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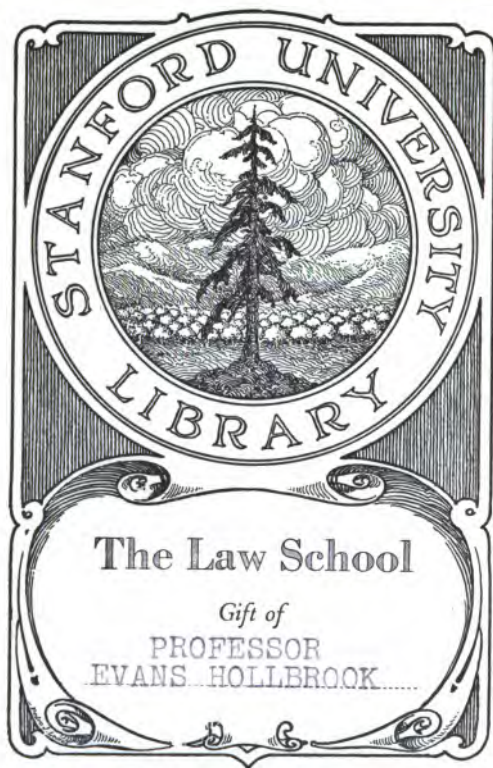
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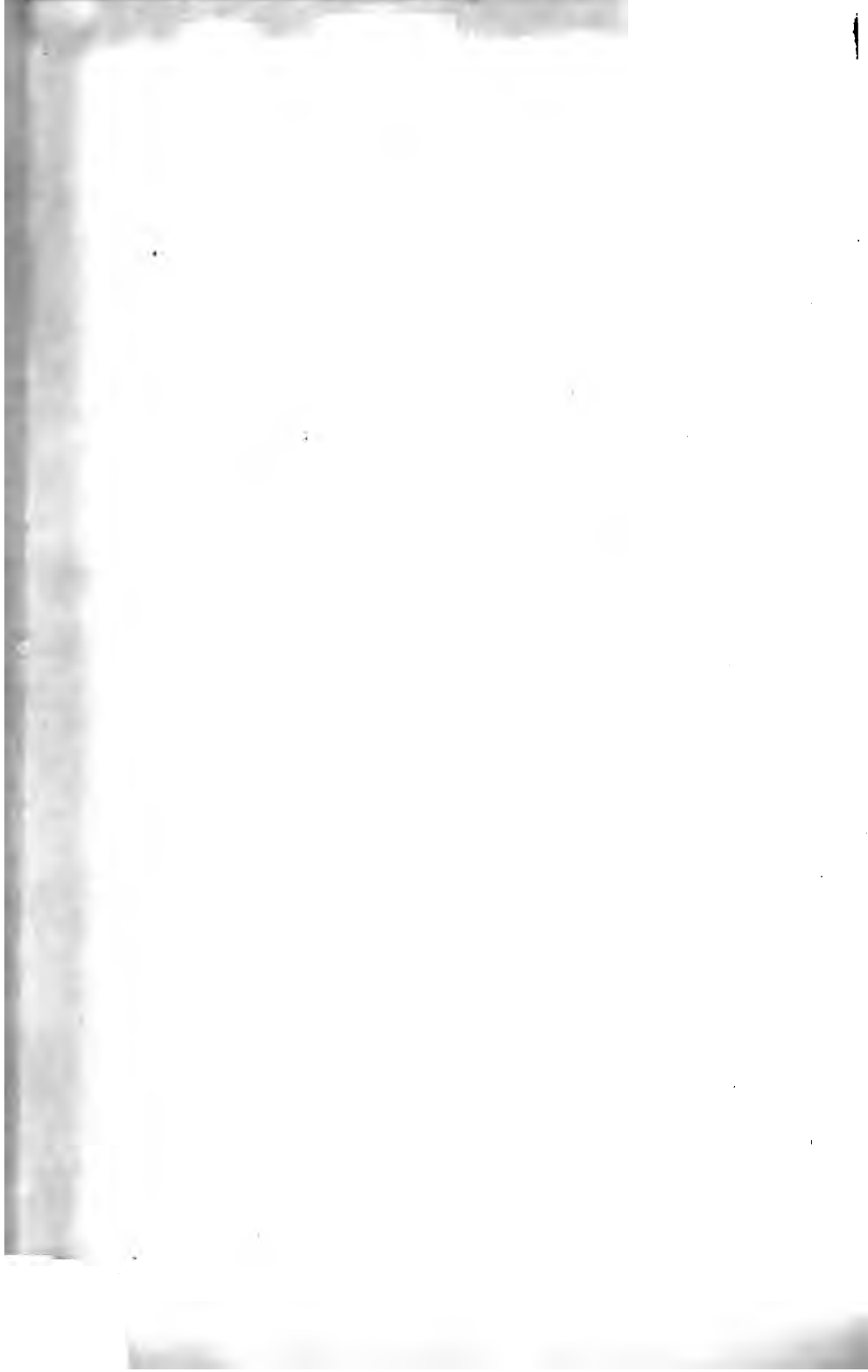


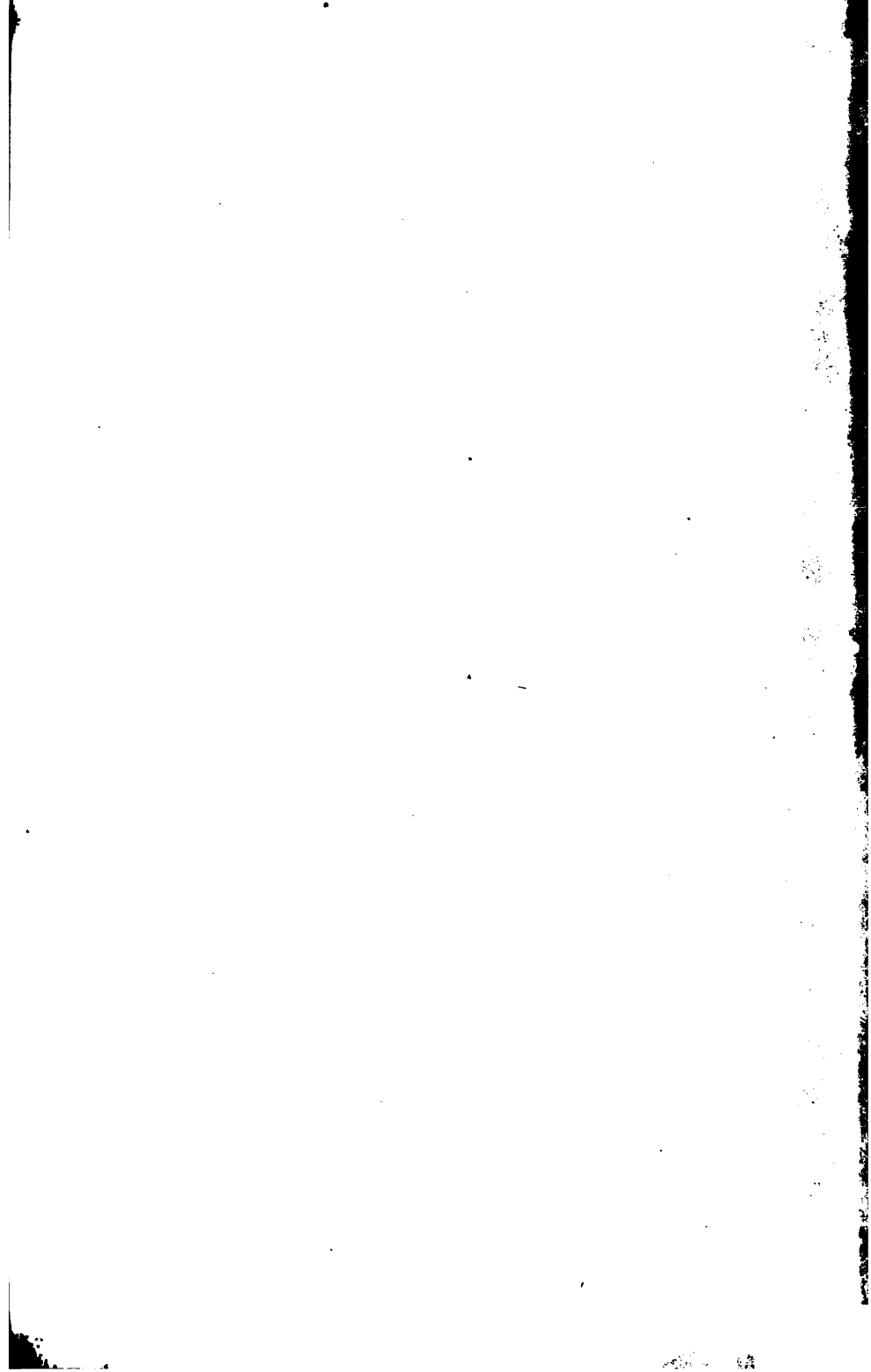


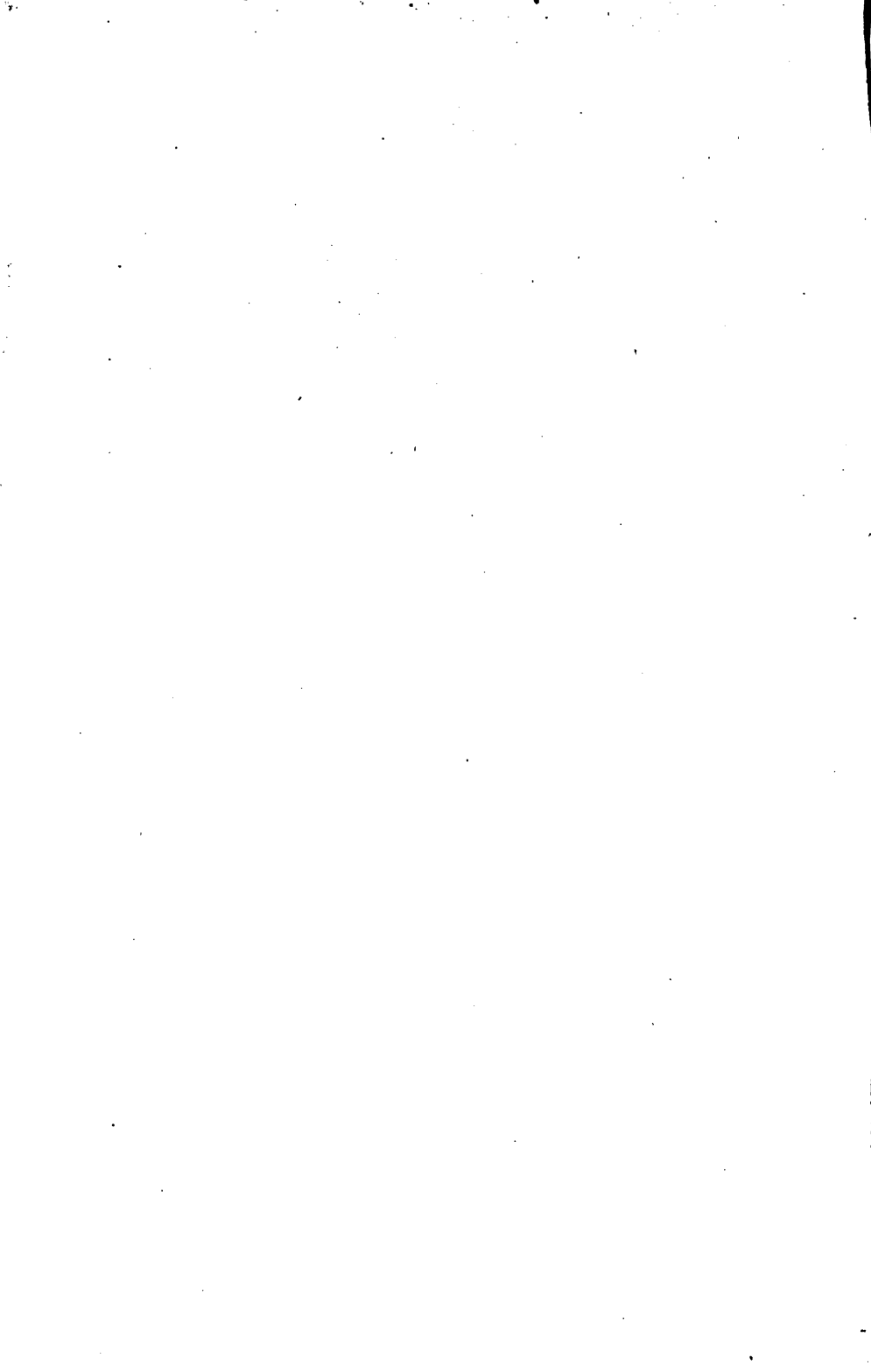




W. H. L. 1880







LOCAL AND PERSONAL ACTS  
OF THE  
LEGISLATURE  
OF THE  
STATE OF MICHIGAN,  
PASSED AT THE  
REGULAR SESSION OF 1871;  
AND  
AMENDMENTS TO THE CONSTITUTION.

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VOL. III.

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# LAWS OF MICHIGAN.

[ No. 286. ]

AN ACT to legalize the tax-roll of the township of L'Anse, in the county of Houghton, for the year eighteen hundred and seventy, and to extend the time for the collection of the taxes of the said township.

SECTION 1. *The People of the State of Michigan enact*, That <sup>Tax roll legalized.</sup> the tax-roll for the year eighteen hundred and seventy, for the township of L'Anse, in the county of Houghton, be and the same is hereby declared as legal and valid as though the supervisor of said township had reported to the board of supervisors of said county, at their annual meeting in October last, the several sums of money voted in said township for township, highway, and common school purposes; and the treasurer of said township is hereby authorized and empowered to collect the taxes on said roll, and make the returns thereof.

Sec. 2. The time for the collection of taxes in said township of L'Anse for the year eighteen hundred and seventy is hereby <sup>Time for collection extended.</sup> extended to the first day of March next, and the treasurer of <sup>Treasurer's warrant continued.</sup> said township is hereby authorized and empowered to proceed and collect said taxes, and make return in pursuance of his warrant, on or before the first day of March next, and his warrant is hereby continued in full force and virtue until that time.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall avail himself of the benefits of the extension of time herein conferred, to pay over all moneys collected <sup>Renewal of bond.</sup>

during the lifetime of his warrant, as now provided by law, and to renew his official bond to the satisfaction of the county treasurer of Houghton county.

Return of  
unpaid taxes

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and seventy duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved January 14, 1871.

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[ No. 287. ]

AN ACT to legalize the tax-roll of the township of Leonidas, in the county of St. Joseph, for the year eighteen hundred and seventy, and to extend the time for the collection of taxes therein until March first, eighteen hundred and seventy-one.

Tax-roll  
legalized.

SECTION 1. *The People of the State of Michigan enact*, That the tax-roll of the township of Leonidas, in the county of St. Joseph, for the year eighteen hundred and seventy be and the same is hereby declared to be as valid and legal as though the same had been made out and delivered to the township treasurer at the time prescribed by law.

Time for col-  
lection ex-  
tended.

Sec. 2. The time for the collection of taxes in said township of Leonidas for the year eighteen hundred and seventy is hereby extended until March first, eighteen hundred and seventy-one.

Treasurer's  
warrant con-  
tinued.

Sec. 3. The treasurer of said township of Leonidas is hereby authorized and empowered to proceed and collect said taxes as fully as he could do in the lifetime of his warrant, and to

make returns in the manner provided by law on or before March first, eighteen hundred and seventy-one, and his said warrant is hereby continued in full force and virtue for the purposes aforesaid until March first, in the year eighteen hundred and seventy-one.

Sec. 4. The treasurer of said township, upon receiving the tax-list and warrant, shall, for the purpose of collecting the taxes therein mentioned, be and remain at his office or place of business on Friday of each and every week after receiving such list until and including the last Friday in the month of January, and upon all taxes paid or tendered to him on such days, or at any other time before the first day of February next, he shall add one per cent for collection fees, and upon all taxes collected by him after the said first day of February he shall add four per cent for collection fees.

Time for  
receiving  
taxes.

Collection  
fees.

Sec. 5. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefits of this act, to renew his official bond to the satisfaction of the treasurer of said county of St. Joseph.

Renewal of  
bond.

Sec. 6. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the provisions of this act, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred seventy duly returned to the Auditor General for non-payment.

Return of  
unpaid taxes

Sec. 7. This act shall take immediate effect.

Approved January 14, 1871.

[ No. 288. ]

AN ACT to legalize the tax-roll of the township of Geneva, in the county of Van Buren, for the year of our Lord one thousand eight hundred and seventy.

Tax-roll  
legalized.

SECTION 1. *The People of the State of Michigan enact*, That the tax-roll of the township of Geneva, in the county of Van Buren, for the year one thousand eight hundred and seventy, is made and declared to be as legal as if said tax-roll had been regular in form ; and no tax spread upon said tax-roll shall be invalid on account of being placed in the wrong column, or by reason of not being named in the certificate attached to said roll by the county board of supervisors.

Collection  
and return  
of same.

Sec. 2. The township treasurer is authorized to collect said taxes and make returns as provided by law in the same manner and with the same effect as if the taxes in said roll had been placed in the proper column.

Sec. 3. This act shall take immediate effect.

Approved January 18, 1871.

[ No. 289. ]

AN ACT to organize the township of Pioneer, in the unorganized county of Missaukee.

Township  
organized.

SECTION 1. *The People of the State of Michigan enact*, That township number twenty-four north, of ranges five, six, seven, and eight west, in the unorganized county of Missaukee, be, and the same is hereby organized into a separate township, by the name of Pioneer.

First  
election.

Sec. 2. The first election in said township shall be held at the house of William J. Morey, on the first Monday of April, eighteen hundred and seventy-one, which said election shall be conducted according to the statutes in such cases made

and provided; and Theodore Brown, Washington Richardson, <sup>Inspectors of same.</sup> and Wm. J. Morey are hereby constituted and appointed inspectors of said election.

Sec. 3. If, for any reason, the township meeting should not be held at the time named, it shall be lawful to hold the same <sup>Of failure to hold election at specified time.</sup> on any day thereafter, by giving at least fifteen days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which the said board of inspectors are hereby authorized and required to do.

Sec. 4. This act shall take immediate effect.

Approved January 18, 1871.

[ No. 290. ]

AN ACT to organize the township of Mancelona, in Otsego and Antrim counties.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Township organized.</sup> township number twenty-nine north, of ranges one, two, three, and four west, of the unorganized county of Otsego, and township number twenty-nine north, of ranges five and six west, in Antrim county, be and the same are hereby detached from the present township of Helena, in said counties of Otsego and Antrim, and organized into a separate township by the name of Mancelona.

Sec. 2. The first election in said township shall be held at <sup>First election.</sup> the house of Perry Address, on the first Monday of April, eighteen hundred and seventy-one, which said election shall be conducted according to the statutes in such cases made and provided; and Perry Address, Charles S. Brink, and W. H. <sup>Inspectors of same.</sup> Bonny are hereby constituted and appointed inspectors of said election.

Of failure to  
hold election  
at specified  
time.

Sec. 3. If, for any reason, the township meeting should not be held at the time herein named, it shall be lawful to hold the same on any day thereafter, by giving at least fifteen days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which the said board of inspectors are hereby authorized and required to do.

Sec. 4. This act shall take immediate effect.

Approved January 18, 1871.

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[ No. 291. ]

AN ACT to organize the township of Round Lake, in the unorganized counties of Kalkaska and Crawford.

Township  
organized.

SECTION 1. *The people of the State of Michigan enact*, That township number twenty-six north, of ranges five, six, and seven west, township number twenty-seven north, of ranges four, five, and six west, also townships number twenty-seven and twenty-eight north, of range eight west, in the unorganized counties of Kalkaska and Crawford, be and the same are hereby detached from the present township of Rapid River, in said counties of Kalkaska and Crawford, and organized into a separate township by the name of Round Lake.

First  
election.

Sec. 2. The first election in said township shall be held at the house of John Sheldon, on the first Monday of April, eighteen hundred and seventy-one, which said election shall be conducted according to the statutes in such cases made and provided; and A. T. Kellog, Asa D. Fessenden, and Calvin Storms are hereby constituted and appointed inspectors of said election.

Inspectors  
of same.

Of failure to  
hold election  
at specified  
time.

Sec. 3. If, for any reason, the township meeting should not be held at the time herein named, it shall be lawful to hold the same on any day thereafter, by giving at least fifteen days'



notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which the said board of inspectors are hereby authorized and required to do.

Sec. 4. This act shall take immediate effect.

Approved January 18, 1871.

[ No. 292. ]

AN ACT to legalize the tax-rolls of the township of Deerfield, in the county of Lenawee, for each of the years of eighteen hundred and sixty-nine and eighteen hundred and seventy.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Tax-roll legalized.</sup> the tax-rolls of the township of Deerfield, for the years of eighteen hundred and sixty-nine and eighteen hundred and seventy, be and the same are hereby declared legal and valid as though the supervisor of said township had been a citizen of the United States at the time of making the said tax-rolls.

Sec. 2. This act shall take immediate effect.

Approved January 18, 1871.

[ No. 293. ]

AN ACT to legalize the tax-roll of the township of Kasson, in the county of Leelanaw, for the year eighteen hundred and seventy.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Tax-roll legalized.</sup> the tax-roll of the township of Kasson, in the county of Leelanaw, for the year eighteen hundred and seventy, be and the same is hereby declared to be valid and legal, as though the same had been made out and delivered to the township treasurer at the time prescribed by law.

Sec. 2. This act shall take immediate effect.

Approved January 24, 1871.

[ No. 294. ]

AN ACT to organize the county of Kalkaska, and attach thereto the unorganized county of Crawford.

County organized.

SECTION 1. *The People of the State of Michigan enact*, That the county of Kalkaska, consisting of the territory embraced by the present county of Kalkaska, be and the same is hereby organized into a separate county by the name of Kalkaska, and the inhabitants thereof shall be entitled to all the privileges, powers, and immunities to which by law the inhabitants of other organized counties in this State are entitled.

County attached to same.

Sec. 2. The unorganized county of Crawford shall be attached to the county of Kalkaska, for municipal and judicial purposes.

Commissioners to locate county seat.

Sec. 3. Joseph B. Haviland, Charles H. Estes, and Morris Mahan are hereby appointed commissioners to locate the county seat for said county. The county seat for said county shall be located by said commissioners during the year eighteen hundred and seventy-three. If said commissioners, or any two of them, shall fail to locate said county seat at the time herein specified, then the board of supervisors and county clerk of said county shall locate the same.

Election of county officers.

Sec. 4. At the township meeting of the several townships in said county, to be held on the first Monday of April next, there shall be an election of all the county officers to which the said county is entitled, who shall hold their several offices until the first day of January, in the year of our Lord eighteen hundred and seventy-three, and until their successors shall have been elected and qualified. Said election shall be conducted in the same way, by the same officers, and the returns thereof made in the same manner as near as may be, as is now required by law in the election of county officers in this State.

County canvass.

Sec. 5. The county canvass of the votes cast for county officers shall be held on the second Tuesday succeeding the election, at the house of John Sheldon, in the township of Round Lake, county aforesaid; and said canvass shall be con-

ducted in the same way, and by the same officers, as the requirements of law now provide in organized counties, as nearly as may be, by the appointment by the board of canvassers of one of their own number to act as secretary to said board of county canvassers.

Sec. 6. Said county shall be in the thirteenth judicial circuit. Judicial circuit.

Sec. 7. It shall be the duty of the register of deeds for said county of Kalkaska, when elected, to procure, maintain, and keep in his office two sets of books for the record of deeds, mortgages, and other instruments affecting the titles of real estate in said counties of Kalkaska and Crawford, the one to be denominated "Records for Kalkaska county," and the other to be denominated "Records for Crawford county." All deeds, mortgages, conveyances, or other instruments affecting real estate which shall be situated in Kalkaska county shall be recorded in the books designated "Records for Kalkaska county," as the same are now required to be recorded by law; and all deeds, mortgages, conveyances, or other instruments affecting real estate situated in Crawford county shall be recorded in the books designated "Records for Crawford county," with the same effect, and to the same purpose, as the same are now authorized to be recorded by law. Register of deeds to keep records for two counties.

Sec. 8. This act shall take immediate effect.

Approved January 27, 1871.

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[ No. 295. ]

AN ACT to extend the time for the collection of taxes in the several wards in the city of Detroit, in the county of Wayne.

SECTION 1. *The People of the State of Michigan enact, That* the time for the collection of taxes in the several wards in the city of Detroit for the year eighteen hundred and seventy, is hereby extended until the first day of April next. Time for collection of taxes extended.

Collection  
and return  
of same.

Sec. 2. The collectors of the several wards of the city of Detroit are hereby authorized to proceed and collect said taxes as fully as they might have done during the lifetime of their several warrants for that purpose; and make their returns on or before the first day [of] April next; and said warrants are hereby continued in full force for that purpose until said time.

Warrants  
continued.

Renewal of  
bonds.

Sec. 3. The several collectors aforesaid shall, before they shall be entitled to the benefits of this act, pay over all moneys collected during the lifetime of their several warrants, as now provided by law, and to renew his official bond to the satisfaction of the county treasurer.

Sec. 4. This act shall take immediate effect.

Approved February 2, 1871.

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[ No. 296. ]

AN ACT to legalize the action of the joint boards of school inspectors of the townships of Fair Grove, Gilford, and Denmark, in the county of Tuscola, Michigan.

Action of  
school in-  
spectors  
legalized.

SECTION 1. *The People of the State of Michigan enact*, That the action of the joint boards of school inspectors of the township of Fair Grove, Denmark, and Gilford, in Tuscola county, had on the eighth day of January, eighteen hundred and seventy, annexing the west half of sections thirty and thirty one of the township of Fair Grove, to fractional school district number one of Gilford and number two of Denmark, said district to be known and designated as fractional school district number one of Gilford, fractional school district number two of Denmark, and number nine of Fair Grove, be and the same is hereby declared legal.

Boundaries  
of school  
district.

Sec. 2. Fractional school district number one of Gilford, number two of Denmark, and number nine of Fair Grove, shall consist of the following territory: The north half of section one, and the northeast quarter of section two, of the

township of Denmark; sections twenty-five, thirty-six, the east half of section twenty-six, and section thirty-five of Gilford; and the west half of sections thirty and thirty-one of Fair Grove, all in Tuscola county, Michigan, and being the territory constituting said district by the action of said joint board of school inspectors, held on the eighth day of January, eighteen hundred and seventy.

Sec. 3. The action and all the proceedings of the board of school inspectors of the township of Fair Grove, had on the sixteenth day of May, eighteen hundred and seventy, in any wise changing the boundaries of any of the school districts within the township of Fair Grove, in said county of Tuscola, or in any wise effecting or changing the boundaries of the school district named in the first section of this act, be and the same is hereby set aside and vacated, and the school districts of said township of Fair Grove shall be and remain the same as they were left after the joint action of the boards of school inspectors mentioned in the first section of this act, had on the eighth day of January, eighteen hundred and seventy: *Providing*, Nothing in this act shall be construed to prohibit the board of school inspectors from changing, altering, or dividing any of said districts in pursuance with law.

Sec. 4. This act shall take immediate effect.

Approved February 2, 1871.

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[ No. 297. ]

AN ACT to extend the time for the collection of taxes in the township of Hamtramck, in the county of Wayne.

SECTION 1. *The People of the State of Michigan enact, That* the time for the collection of taxes in the township of Hamtramck, in the county of Wayne, for the year eighteen hundred and seventy, be and the same is hereby extended to the fifteenth day of March, eighteen hundred and seventy-one.

Warrant  
continued.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect the taxes as fully as he could do in the lifetime of his warrant, and to make his return at any time before the fifteenth day of March next; and the said warrant is hereby revived and continued in full force and virtue for the purpose aforesaid, until the said fifteenth day of March.

Renewal of  
treasurer's  
bond.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county of Wayne.

Return of  
unpaid taxes

Sec. 4. A transcript of all unpaid taxes returnable to the county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and seventy duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved February 2, 1871.

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[ No. 298. ]

AN ACT to authorize the supervisors of the city of Coldwater, in the county of Branch, to assess, levy, and collect, upon the taxable property of said city, three thousand dollars, to aid in the construction of a county jail and sheriff's house in said city.

Tax to be  
levied to  
build jail.

SECTION 1. *The People of the State of Michigan enact*, That there shall be assessed, levied, and collected, upon the taxable property of the city of Coldwater, the sum of one thousand five hundred dollars in the year one thousand eight hundred and seventy-one, and the further sum of one thousand five

hundred dollars in the year one thousand eight hundred and seventy-two, for the purpose of aiding in the construction of a jail and sheriff's house in said city, for the use of said city and county as hereinafter provided. Such tax shall be levied and collected in the same manner and at the same time each year with the usual annual tax for county and State purposes, and the supervisors for the several wards of said city shall assess and levy the said sums heretofore mentioned, and spread the same upon the assessment rolls of said city for the years one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two. Said tax, when collected, shall be paid by the collector of said city into the treasury of said county, to be used and expended under and by the direction of the board of supervisors of said county in the erection and completion of a county jail and sheriff's house in said city: *Provided*, That the said sum of three thousand dollars shall not, nor shall any part thereof, be assessed, levied, or collected, unless the voters of said county shall, at the annual township meetings and charter elections of said city of Coldwater, to be held on the first Monday of April, one thousand eight hundred and seventy-one, by a majority vote authorize the board of supervisors of said county to assess and levy, upon the taxable property of said county, the sum of twenty-five thousand dollars in addition to the said three thousand dollars to be raised by said city for the construction of such jail and sheriff's house. It is the intention and understanding of this act, that said city shall raise the said sum of three thousand dollars in addition to their proportion of said twenty-five thousand dollars for the purpose aforesaid.

Provide  
relative to  
voting of tax  
by county.

Sec. 2. In case the voters of said county shall, by their votes on the first Monday of April, in the year of our Lord one thousand eight hundred and seventy-one, authorize the board of supervisors of said county to assess and levy the said sum of twenty-five thousand dollars, it shall be the duty of said

County jail  
tax.

board of supervisors to assess and levy, upon the taxable property of said county, the sum of twelve thousand and five hundred dollars in the year one thousand eight hundred and seventy-one, and the further sum of twelve thousand and five hundred dollars in the year one thousand eight hundred and seventy-two.

City to have  
use of jail  
when com-  
pleted.

Sec. 3. When the said jail and sheriff's house shall have been completed, the said city shall, in consideration of having raised said additional three thousand dollars as heretofore provided, forever thereafter have the use of said jail for the purpose of confining, keeping, and imprisoning all persons arrested, held, or convicted by reason of the violation of any of the ordinances or by-laws of said city: *Provided however*, That said city shall pay the board of such persons while held or imprisoned, together with the sheriff's or jailor's fees provided by law.

Proviso.

[Sec. 4. This act shall take immediate effect.]

Approved February 2, 1871.

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[ No. 299. ]

AN ACT to authorize "The Oakland County Agricultural Society" to issue bonds, and to mortgage its real and personal estate to secure the same.

Issue of  
bonds au-  
thorized.

SECTION 1. *The People of the State of Michigan enact*, That "The Oakland County Agricultural Society" be authorized to issue the bonds of said society in such sums, not exceeding seven thousand dollars in all, payable at the office of its treasurer at such times, and with annual interest not exceeding ten per cent, as the board of directors of said society shall by vote direct.

Execution  
and sale of  
same.

Sec. 2. That said bonds shall be signed by the secretary and countersigned by the president; and none of the same shall



be sold or disposed of by said society at less than their par value.

Sec. 3. That for the purpose of securing the payment of <sup>Payment of same.</sup> said bonds and the interest thereon, all the receipts of said society after the payment of the expenses and premiums shall be duly and regularly applied to the payment of said interest and principal.

Sec. 4. That for the purpose of further securing the pay- <sup>Security of same by mortgage.</sup> ment of the principal and the interest upon said bonds, the said Oakland County Agricultural Society is hereby authorized to mortgage its real estate, property, and effects, and also upon obtaining the assent thereof of the city of Pontiac, by a resolution of the common council of said city, for the same purpose, to mortgage the real estate in said city heretofore and now occupied by said society, deeded to said city (then the village of Pontiac), in trust for said society; and said mortgage executed in pursuance of said resolution shall vest in the mortgagee all the right, title, or interest of the said Oakland County Agricultural Society and said city of Pontiac to said property, either legal or equitable.

Sec. 5. This act shall take immediate effect.

Approved February 2, 1871.

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[ No. 300. ]

AN ACT to extend the time of payment of drain taxes in the township of Burlington, in the county of Lapeer.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Time for collection extended.</sup> the time for the collection of taxes assessed in the township of Burlington, in the county of Lapeer, for the year eighteen hundred and seventy, for the construction of ditches in said township, be and the same is hereby extended until the first day of February, eighteen hundred and seventy-two.

Return of  
warrant

Sec. 2. The treasurer of said township shall, on or before the first day of February next, account for and pay over to the treasurer of said county all drain taxes by him collected, and make due return, according to law, and specification of the warrant attached to his tax roll, and retain the said roll in his hands and deliver the same over to his successor in office.

Collection of  
taxes.

Sec. 3. The said treasurer of the township above named, or his successor in office, is hereby authorized, and it shall be his duty, to proceed to collect the above mentioned drain tax in the same manner as during the lifetime of his warrant, and to make his final return to the county treasurer on or before the first day of February, eighteen hundred and seventy-two; and the said warrant is hereby continued in full force and virtue, for the purpose aforesaid, until the first day of February, eighteen hundred and seventy-two: *Provided*, He, the said treasurer, shall renew his official bonds to the satisfaction of the treasurer of said county of Lapeer.

Proviso  
relative to  
renewal of  
bonds.

Return of  
unpaid taxes

Sec. 4. A transcript of all lands in said township upon which there shall be any unpaid ditch taxes returned to the county treasurer, in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as possible, and such unpaid taxes shall be collected in the same manner as though this act had not passed: *Provided*, Interest on such unpaid taxes is computed only from the first day of February, eighteen hundred and seventy-two: *And provided further*, That said lands delinquent for said ditch taxes may be sold in the same manner as other lands returned to the Auditor General delinquent for taxes for the year eighteen hundred and seventy.

Proviso.

Sec. 5. This act shall take immediate effect.

Approved February 2, 1871.

[ No. 301. ]

AN ACT to extend the time for the collection of taxes for the year eighteen hundred and seventy, in the city of Saginaw, in the county of Saginaw.

SECTION 1. *The People of the State of Michigan enact*, That Time for collection extended. the time for the collection of taxes in the city of Saginaw, in the county of Saginaw, for the year eighteen hundred and seventy, be and the same is extended until the twenty-fifth day of March, eighteen hundred and seventy-one.

Sec. 2. The treasurer of the said city is hereby authorized Treasurer's warrant continued. and empowered to proceed and collect said taxes as fully as he could do in the lifetime of his warrant, and to make returns at any time before the twenty-fifth day of March next; and the said warrant is hereby revived and continued in full force and virtue for the purposes aforesaid, until the said twenty-fifth day of March next.

Sec. 3. It shall be the duty of the treasurer of the said city, Treasurer to renew bond. before he shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county.

Sec. 4. A transcript of all unpaid taxes returned to the Return of unpaid taxes county treasurer in pursuance of the provisions of this act, shall be returned to the Auditor General as soon as practical, and all such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred seventy duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved February 14, 1871.

[ No. 302. ]

AN ACT to extend the time for the collection of taxes in the township of Wayland, county of Allegan, until March fifteenth, eighteen hundred and seventy-one.

Time for  
collection  
extended.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of the taxes in the township of Wayland, county of Allegan, for the year eighteen hundred and seventy, is hereby extended until the fifteenth day of March, eighteen hundred and seventy-one.

Treasurer's  
warrant  
continued.

Sec. 2. The treasurer of said township is hereby authorized and empowered to proceed and collect said taxes as fully as he could do in the lifetime of his warrant, and to make returns in the manner provided by law, on or before the fifteenth day of March, eighteen hundred and seventy-one; and his warrant is hereby revived and continued in full force and virtue for the purpose aforesaid, until the fifteenth day of March, eighteen hundred seventy-one.

Renewal of  
bond.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefit of this act, to renew his official bond to the satisfaction of the treasurer of said county of Allegan.

Return of  
unpaid taxes

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the provisions of this act, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and seventy duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved February 14, 1871.

[ No. 303. ]

AN ACT to organize the township of Forsyth, in the county of Marquette.

SECTION 1. *The People of the State of Michigan enact, That* Township organized.  
all that territory lying in the county of Marquette and State of Michigan, designated as townships numbered forty-two, forty-three, forty-four, and forty-five north, ranges twenty-four, twenty-five, twenty-six, and twenty-seven west, be and the same is hereby organized into a separate township by the name of Forsyth.

Sec. 2. The first township meeting in said township of Forsyth shall be held on the first Monday of April next, at the office of "The Silas C. Smith Iron Mining Company," in said township; and Ira A. Clark, John Hoskins, and Philip Gillick are First election.  
hereby made and constituted a board of inspectors for said Inspectors of same.  
township election.

Sec. 3. If for any reason the township election shall not be Of failure to hold election at specified time.  
held in the township named in this act, at the time named for holding the same, it shall and may be lawful to hold the same at any time thereafter, by giving at least ten days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which the said board of inspectors for said township, or a majority of them, are hereby authorized and required to do.

Sec. 4. If, for any cause, all or either of the inspectors hereby appointed shall neglect or shall be unable to attend said Of failure of inspectors to attend.  
board at the time specified, it shall be lawful for the electors of said township to choose from the electors present, suitable persons to act as inspectors of said election.

Sec. 5. This act shall take immediate effect.

Approved February 14, 1871.

[ No. 304. ]

AN ACT to amend section two, of act number three hundred and ninety-nine, of the session laws of eighteen hundred and sixty-seven, entitled "An act to provide for laying out and establishing a State road from Clio, in Genesee county, to Chesaning, in Saginaw county, and to appropriate certain non-resident highway taxes to aid in the construction of the same."

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section two, of act number three hundred and ninety nine, of the session laws of eighteen hundred and sixty-seven, approved March twenty-second, eighteen hundred and sixty-seven, be and the same is hereby amended so that the same shall read as follows :

Highway  
taxes appro-  
priated.

Sec. 2. The highway tax upon the non-resident land in the towns through which said road may run, for a distance of one mile on each side of said road, shall be and the same is hereby appropriated for the construction of said road for a period of eight years from the first day of March, one thousand eight hundred and sixty-seven, to be expended as hereinafter provided.

Sec. 2. This act shall take immediate effect.

Approved February 14, 1871.

[ No. 305. ]

AN ACT to organize the township of Kaska, in the counties of Kalkaska and Crawford.

Township  
organized.

SECTION 1. *The People of the State of Michigan enact*, That township number twenty-five north, of ranges one, two, three, four, five, six, seven, and eight west, also township number twenty-six north, of ranges one, two, three, four, and eight west, also township number twenty-seven north, of range three west, in the counties of Kalkaska and Crawford, be and the same is hereby organized into a separate township, by the name of Kaska.

Sec. 2. The first election in said township shall be held at the house of Adrial Clark, on the first Monday of April, eighteen hundred and seventy-one, which said election shall be conducted according to the statutes in such cases made and provided; and H. H. Haskin, Robert Creighton, and Adrial Clark are hereby constituted and appointed inspectors of said election.

Sec. 3. If for any reason the township meeting should not be held at the time named, it shall be lawful to hold the same on any day thereafter, by giving at least fifteen days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which the said board of inspectors are hereby authorized and required to do.

Sec. 4. This act shall take immediate effect.

Approved February 14, 1871.

[No. 306.]

AN ACT to legalize the organization of graded school district number one, of Port Austin township, Huron county, Michigan.

SECTION 1. *The People of the State of Michigan enact*, That all of fractional townships nineteen north, of ranges twelve and thirteen east, shall be and comprise graded school district number one, of the township of Port Austin, Huron county.

Sec. 2. All assessment heretofore made, and all taxes heretofore levied in said fractional townships nineteen north, of ranges twelve and thirteen east, for the erection of a school-house or for the support of a school in said graded school district No. 1, of the township of Port Austin, Huron county, Michigan, are hereby declared legal and valid, as though all of

said fractional townships had been legally embraced in the organization of said school district.

Sec. 3. This act shall take immediate effect.

Approved February 15, 1871.

[ No. 307. ]

AN ACT to change the name of the First Presbyterian Society of Lower Saginaw.

Name of  
corporation  
changed.

SECTION 1. *The People of the State of Michigan enact,* That the corporate name of "The First Presbyterian Society of Lower Saginaw" be and the same is hereby changed, and that hereafter the name thereof shall be The First Presbyterian Society of Bay City, and the trustees of said society shall be known and called The Trustees of the First Presbyterian Society of Bay City.

Rights,  
privileges,  
etc.

Sec. 2. The said society under and by the name of The First Presbyterian Society of Bay City shall be entitled to the same rights and subject to the same liabilities as though the said name had remained unchanged.

Sec. 3. This act shall take immediate effect.

Approved February 15, 1871.

[ No. 308. ]

AN ACT respecting the collection of a certain ditch tax in the township of Lapeer, county of Lapeer, for the year eighteen hundred seventy, and for the re-assessment of the same.

Treasurer  
not to collect  
certain ditch  
taxes.

SECTION 1. *The People of the State of Michigan enact,* That it shall be lawful for the township treasurer of the township of Lapeer, in the county of Lapeer, to proceed and collect all



township, county, State, and other taxes specified in the tax roll for the year eighteen hundred seventy, as commanded by the warrant attached thereto, except the taxes levied thereby and specified therein as ditch taxes, and assessed in the township of Lapeer for the construction of the ditch known as the Wilson ditch. Said township treasurer shall not collect that part of said ditch taxes now uncollected, nor any part thereof, but he shall make return and settle with the township board and with the county treasurer in all respects as though such ditch taxes had not been assessed; and the warrant attached to the roll shall be considered a warrant for the collection of the taxes specified therein. The amount of the said ditch taxes, and the return of the moneys collected, and of the taxes unpaid, together with the settlement of the treasurer, shall be valid and lawful without payment or accounting for the remainder of said ditch taxes.

Sec. 2. The supervisor in said township is hereby required to re-assess in the assessment roll for the year eighteen hundred seventy-one against the same persons and property, in a separate column, headed ditch taxes, the amount of the said ditch taxes legally and rightfully assessed on the tax-roll of his township for the year eighteen hundred seventy, now unpaid; and such ditch taxes shall be collected and returned in like manner as other ditch taxes for the year eighteen hundred seventy-one are collected and returned: *Provided*, The amount of said ditch tax now paid in and in the hands of said township treasurer, shall be accounted for in the same manner as if the whole of said tax had already been collected.

Same to be  
re-assessed.

Proviso.

Sec. 3. This act shall take immediate effect.

Approved February 21, 1871.

[ No. 309. ]

AN ACT to vacate and discontinue that portion of the Bay City and Tuscola plank road lying within the limits of Bay City.

Plank road  
vacated.

SECTION 1. *The People of the State of Michigan enact, That* all that portion of the Bay City and Tuscola plank road lying within the corporate limits of Bay City, in Bay county, be and the same is hereby vacated and discontinued.

Sec. 2. This act shall take immediate effect.

Approved February 21, 1871.

[ No. 310. ]

AN ACT to authorize school district number five of the township of Millington, in the county of Tuscola, to issue bonds to aid in the construction of a school-house in said district.

Issue of  
bonds au-  
thorized.

SECTION 1. *The People of the State of Michigan enact, That* the director and assessor of school district number five of the township of Millington, in the county of Tuscola, in this State, be and they are hereby authorized to issue bonds of said district to an amount not exceeding five hundred and ninety dollars, due in three years, at a rate of interest not exceeding ten per cent per annum. Said bonds shall be executed by the director and assessor of said district; and, when duly executed, may be sold by the district board for the best price that can be obtained for the same, and the money arising therefrom to

Amount  
limited.

Use of same. be used in the construction of a school-house in said district, in pursuance with the law of this State in regard to building school-houses in school districts: *Provided*, No such bonds shall be issued unless first sanctioned by a majority vote of the legal voters of said district present and voting at a special school district meeting duly called for that purpose.

Sec. 2. The moneys said school district may become liable Taxes to pay same. to pay by reason of the issuing of the bonds of said district in pursuance with section one of this act shall be assessed and collected the same as other taxes are assessed and collected in school districts.

Section 3. This act shall take immediate effect.

Approved February 21, 1871.

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[ No. 311. ]

AN ACT to aid in the construction of that part of the Cass river and Bay City State road established under act number three hundred and forty-five, of laws of eighteen hundred and sixty-five, between the forks of Cass river and Unionville, in Tuscola county, and making an appropriation of swamp land therefor.

SECTION 1. *The People of the State of Michigan enact, That* Appropriation of swamp land transferred. the unexpended appropriation of six sections of State swamp land on that part of the Cass river and Wild Fowl bay State road in the county of Tuscola, be and the same is hereby transferred and appropriated to aid in the completion of the Cass river and Bay City State road between Unionville and Cass river in said county of Tuscola, at least four sections of said appropriation to be expended on the first six miles of said Cass river and Bay City State road, next to the eastern terminus of said Cass river and Bay City State road in the township of Ellington.

[Sec. 2. Said appropriation of six sections of State swamp How to be expended. lands shall be expended under the supervision of Horace C. Marvin, the special commissioner on the Cass river and Bay City State road, in pursuance with the laws of this State relative to laying out and constructing swamp land State roads.]

Sec. 2. This act shall take immediate effect.

Approved February 21, 1871.

[ No. 312. ]

AN ACT to amend sections one and six, of act number four hundred and six, of the session laws of eighteen hundred and sixty-nine, approved April second, eighteen hundred and sixty-nine, being an act appropriating certain non-resident highway taxes to aid in constructing a ditch or drain from a point on Elk creek, in the county of Sanilac, to a point on the Lexington and Lapeer State road, in Sanilac county.

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one and six, of act number four hundred and six, of the session laws of eighteen hundred and sixty-nine, approved April second, in the year of our Lord eighteen hundred and sixty-nine, being an act appropriating certain non-resident highway taxes to aid in constructing a ditch or drain, from a point on Elk Creek, Sanilac county, to a point on the Lexington and Lapeer State road, in Sanilac county, be and is hereby amended to read as follows:

Commissioners to  
superintend  
ditch.

Location of  
ditch.

Sec. 1. That James Anderson, of the township of Elk, Sanilac county, be and he is hereby appointed a special commissioner to lay out and superintend the constructing of a ditch or drain, commencing at a point on Elk creek near the center of section thirty-six, of town eleven north, of range fourteen east, in the county of Sanilac, running thence in a southwesterly direction through sections six and seven of the township of Buell, and sections twelve, thirteen, fourteen, twenty-three, and twenty-six, of the township of Elk, to a point on the Lexington and Lapeer State road, near the center of section twenty-six, in said township of Elk.

Non-resident high-  
way tax to  
be paid to  
commissioner.

Sec. 6. Any overseer of highways receiving or collecting any such non-resident highway tax by authority of his office, shall pay over the same to the treasurer of his township on or before the first day of November in each and every year, and every township treasurer receiving or collecting any such non-resident highway tax aforesaid, shall pay over the same to the county treasurer of his county, at the same time he is required

to make his returns to his county treasurer, and said county treasurer shall pay over said moneys to the special commissioner herein provided for, upon the demand of said commissioner, and said commissioner shall give to said treasurer his receipt for the same.

Sec. 2. This act shall take immediate effect.

Approved February 21, 1871.

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[ No. 313. ]

AN ACT to extend the time for the collection of taxes in the township of Novi, in the county of Oakland.

SECTION 1. *The People of the State of Michigan enact, That* Time for collection extended.  
the time for the collection and return of taxes spread on the tax-roll of the township of Novi, in the county of Oakland, for the year eighteen hundred and seventy, be and the same is hereby extended until the first day of April, eighteen hundred and seventy-one.

Sec. 2. The treasurer of said township is hereby authorized Treasurer's warrant continued  
and empowered to proceed and collect said taxes as fully as he could do in the lifetime of said warrant, and to make and return in the manner provided by law, on or before the first day of April, eighteen hundred and seventy-one; and his said warrant is hereby revived and continued in full force and virtue for the purposes aforesaid, until the first day of April, eighteen hundred and seventy-one.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefit of this act, to To renew bond.  
renew his official bond to the satisfaction of the treasurer of said county of Oakland.

Sec. 4. A transcript of all unpaid taxes returned to the county Return of unpaid taxes.  
treasurer in pursuance of the provisions of this act, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and

with interest computed for the same time, as other taxes for the year eighteen hundred and seventy duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved February 22, 1871.

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[ No. 314. ]

AN ACT to organize the township of Riverside, in the unorganized county of Missaukee.

Township  
organized.

SECTION 1. *The People of the State of Michigan enact*, That township number twenty-one north, of ranges seven and eight west, in the unorganized county of Missaukee, be, and the same is hereby organized into a separate township, by the name of Riverside.

First  
election.

Sec. 2. The first election in said township shall be held at the house of Ira Van Meter, on the first Monday of April, eighteen hundred and seventy-one, which said election shall be conducted according to the statutes in such cases made and provided; and Wm. H. Cavanaugh, Henry Van Meter, and Gillis McBain are hereby constituted and appointed inspectors of said election.

Inspectors  
of same.

Of failure to  
hold election  
at specified  
time.

Sec. 3. If, for any reason, the township meeting should not be held at the time named, it shall be lawful to hold the same on any day thereafter, by giving at least ten days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which the said board of inspectors are hereby authorized and required to do.

Sec. 4. This act shall take immediate effect.

Approved February 27, 1871.

[ No. 315. ]

AN ACT to organize the township of Clam Union, in the unorganized county of Missaukee.

SECTION 1. *The People of the State of Michigan enact,* <sup>Township organized.</sup>  
That township number twenty-one north, of ranges five and six west, in the unorganized county of Missaukee, be and the same is hereby organized into a separate township, by the name of Clam Union.

Sec. 2. The first election in said township shall be held at <sup>First elec-</sup>  
the house of John Vogel, on the first Monday of April, <sup>tion.</sup>  
eighteen hundred and seventy-one, which said election shall be conducted according to the statutes in such cases made and provided; and John Vogel, John Koopman, and Otta <sup>Inspectors of same.</sup>  
Schaap are hereby constituted and appointed inspectors of said election.

Sec. 3. If, for any reason, the township meeting should not <sup>Of failure to</sup>  
be held at the time named, it shall be lawful to hold the same <sup>held election</sup>  
on any day thereafter, by giving at least ten days' notice of the <sup>at specified</sup>  
time and place of holding such meeting, by posting notices <sup>time.</sup>  
thereof in four of the most public places in said township, which the board of inspectors are hereby authorized and required to do.

Sec. 4. This act shall take immediate effect.

Approved February 27, 1871.

[ No. 316. ]

AN ACT to authorize the trustees of the Bridge Street Methodist Episcopal Church, of Grand Rapids, Kent county, to sell and convey certain real estate.

SECTION 1. *The People of the State of Michigan enact,* <sup>Corporation authorized to sell certain real estate.</sup>  
That the trustees of the Bridge Street Methodist Episcopal church, of Grand Rapids, in the county of Kent, be and they

are hereby authorized and empowered to sell and convey, by good and sufficient warranty deed or deeds, all right, title and interest of said church in and to the following described real estate, viz: Lots seven and eight, in block three, according to Converse addition to the city of Grand Rapids.

Sec. 2. This act shall take immediate effect.

Approved February 27, 1871.

[ No. 317. ]

AN ACT to change the name of the Spring Lake Salt Company of Spring Lake, in the county of Ottawa, to that of the Magnetic Mineral Spring Company of Spring Lake, Michigan.

Corporate  
name  
changed.

SECTION 1. *The People of the State of Michigan enact*, That the name of the Spring Lake Salt Company, of the village of Spring Lake, in the county of Ottawa, be and the same is hereby changed to the Magnetic Mineral Spring Company of Spring Lake, Michigan.

Sec. 2. This act shall take immediate effect.

Approved February 27, 1871.

[ No. 318. ]

AN ACT to repeal act number one hundred and twelve, of the session laws of eighteen hundred and forty-eight, entitled "An act to authorize Peter M. Kinde to build a dam across Grand river."

Act repealed

SECTION 1. *The People of the State of Michigan enact*, That act number one hundred and twelve, of the session laws of eighteen hundred and forty-eight, entitled "An act to authorize Peter M. Kinde to build a dam across Grand river," be and the same is hereby repealed.

Sec. 2. This act shall take immediate effect.

Approved February 27, 1871.



[ No. 319. ]

AN ACT to extend the time for the collection of taxes in the township of Cheshire, Allegan county, until April first, eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of Cheshire for the year eighteen hundred and seventy be and the same is hereby extended until the first day of April, eighteen hundred and seventy-one. Time for collection extended.

Sec. 2. The treasurer of said township of Cheshire is hereby authorized and empowered to proceed and collect said taxes as fully as he could do in the lifetime of his warrant, and to make returns in the manner provided by law on or before April first, eighteen hundred and seventy-one; and his said warrant is hereby continued in full force and virtue for the purposes aforesaid until April first, in the year eighteen hundred and seventy-one. Treasurer's warrant continued.

Sec. 3. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefits of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county of Allegan. To renew bond.

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the provisions of this act, shall be returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and seventy duly returned to the Auditor General for non-payment. Return of unpaid taxes

Sec. 5. This act shall take immediate effect.

Approved February 27, 1871.

[ No. 320. ]

AN ACT to extend the time for the collection and return of the taxes in the township of Watertown, in the county of Clinton, for the year eighteen hundred and seventy.

Time for collection extended.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the township of Watertown, in the county of Clinton, for the year eighteen hundred seventy, is hereby extended to the second Monday of March next.

Treasurer's warrant extended.

Sec. 2. The treasurer of the said township is hereby authorized and empowered to proceed to collect said taxes as fully as he could do in the lifetime of his warrant, and to make returns at any time before the second Monday of March next; and the said warrant is hereby revived and continued in full force and virtue for the purpose aforesaid, until said second Monday of March.

Renewal of bond.

Sec. 3. It shall be the duty of the treasurer of the said township, before he shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of his warrant, as is now provided by law, and to renew his official bond to the satisfaction of the treasurer of said county.

Return of unpaid taxes

Sec. 4. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the provisions of this act, shall be returned to the Auditor General as soon as practicable, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and seventy duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved February 27, 1871.

[ No. 321. ]

AN ACT to extend the time for the collection of taxes in the city of Flint, for the year one thousand eight hundred and seventy.

SECTION 1. *The People of the State of Michigan enact, That* Time for collection extended...  
the time for the collection of taxes in the city of Flint, in the county of Genesee, for the year one thousand eight hundred and seventy, be and the same is hereby extended until the first day of April, one thousand eight hundred and seventy-one.

Sec. 2. The treasurer and marshal of said city are hereby Treasurer's and marshal's warrants continued.  
authorized and empowered to proceed to collect said taxes as fully as they could do in the lifetime of their respective warrants, and to make returns on or before the first day of April, one thousand eight hundred and seventy-one; and the warrant of said treasurer and marshal is hereby revived and continued in full force and effect for the purposes aforesaid, until the said first day of April, one thousand eight hundred and seventy-one.

Sec. 3. It shall be the duty of the treasurer and marshal of Renewal of bonds.  
said city, before they shall be entitled to the benefit of this act, to pay over all moneys collected during the lifetime of their warrant, as is now provided by law, and to renew their official bonds to the satisfaction of the treasurer of said county.

Sec. 4. A transcript of all unpaid taxes returned to the Return of unpaid taxes  
county treasurer in pursuance of the foregoing provisions, shall be returned to the Auditor General as soon as practical, and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year one thousand eight hundred and seventy duly returned to the Auditor General for non-payment.

Sec. 5. This act shall take immediate effect.

Approved February 28, 1871.

[ No. 322. ]

AN ACT to provide for the laying out, establishing, and constructing a State road in the county of Montcalm, and appropriating certain non-resident highway taxes therefor.

Commissioner to locate, etc.

SECTION 1. *The people of the State of Michigan enact*, That

Line of road.

J. F. Chubb, of Howard City, be and is hereby appointed a commissioner to locate, establish, and construct a State road from the west line of Montcalm county, easterly, by the most eligible route, *via* Howard City, to the State road from Greenville to Big Rapids.

Commissioner to lay out and file description.

Sec. 2. It shall be the duty of said commissioner, on or before the first day of June, in the year one thousand eight hundred and seventy-one, to proceed to lay out said road, and cause the same to be surveyed, and a description thereof to be filed with the clerk of each of the townships on the line thereof, who shall cause the same to be properly recorded, and also with the treasurer of Montcalm county.

Highway taxes appropriated to build road.

Sec. 3. All the highway taxes that shall be assessed upon non-resident lands, lying within one mile of the center of said road, on either side thereof, shall be and are hereby appropriated for a period of two years from the time of the passage of this act, to be expended under the direction of said commissioner, in locating and constructing said road.

Commissioner to give bond.

Sec. 4. Said commissioner, before entering upon the discharge of his duties, shall give a bond, with good and sufficient sureties, to the treasurer of Montcalm county, in the sum of one thousand dollars, for the proper and faithful performance of his duties, and expenditure of all money hereby appropriated and received by him as said commissioner.

Officers to pay over highway moneys to commissioner.

Sec. 5. Said commissioner may demand, and is hereby authorized to receive, all money herein appropriated, and it shall be the duty of the treasurers and overseers of highways of the several townships through which said road may pass, and of the treasurer of Montcalm county, to pay over to said commissioner, on demand, all the moneys herein appropriated.

Sec. 6. It shall be the duty of said commissioner to cause Expenditure of same. all moneys received by him under this act, to be used in locating and constructing said road, and for no other purpose, and to superintend said construction, and to determine the manner in which labor shall be laid out and applied thereon; and he shall have power to let out the work to be done, to the lowest responsible bidders, by contract, and to enforce the execution of said contracts.

Sec. 7. The said commissioner shall receive as compensation for his services, one dollar and fifty cents per day while Compensation of commissioner. actually engaged in the performance of the duties imposed upon him by this act, which shall be paid out of the fund created by this act, after his accounts for the same, verified by his oath, shall have been approved by the treasurer of Montcalm county.

Sec. 8. In case any vacancy shall occur in the office of commissioner, as created by this act, it shall be the duty of the Vacancy in office to commissioner. Governor of the State of Michigan to appoint a commissioner to fill such vacancy; and such appointee shall give bonds in like manner, and have the same power, as the commissioner appointed by this act.

Sec. 9. All acts, or such parts of acts, as may contravene the Inconsistent acts repealed provisions of this act are hereby repealed.

Sec. 10. This act shall take immediate effect.

Approved March 3, 1871.

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[ No. 323. ]

AN ACT to provide for the levying and collecting a school tax, in fractional school district number one, in the townships of Barry and Prairieville, in the county of Barry.

SECTION 1. *The People of the State of Michigan enact,* That Levy of a school tax authorized. it shall be lawful for the supervisors of the township of Barry, in the county of Barry, to assess upon so much of the taxable

property of fractional school district number one (1) of the townships of Barry and Prairieville (as lies in the township of Barry) the sum of fifty-three and fifty one-hundredths dollars, for school purposes, and that the same be spread upon the tax-roll of the township of Barry, for collection in the year eighteen hundred and seventy-one.

Sec. 2. This act shall take immediate effect.

Approved March 3, 1871.

[ No. 324. ]

AN ACT to provide for the laying out and establishing the Almer and Fair Grove State road, and making an appropriation of non-resident highway tax for the construction of the same.

Commissioner to be appointed by Governor

SECTION 1. *The People of the State of Michigan enact*, That there shall be laid out and established by a commissioner to be appointed by the Governor of the State of Michigan, a State

Line of road. road, commencing at the point where the west section line of sections one and twelve crosses the south line of sections one and two, near Cilly's mill, in the township of Almer, in the county of Tuscola, running thence directly west on the section line between sections two and eleven, three and ten, four and nine, five and eight, six and seven, in said town of Almer, to the west line of said township, thence west on the township line between the townships of Fair Grove and Akron, in said county of Tuscola, to the west line of said townships of Fair Grove and Akron; said road to be known as the Almer and Fair Grove State road.

Name of road.

Commissioner to lay out and file description of road.

Sec. 2. It shall be the duty of said commissioner, within six months after his appointment, to proceed to lay out and establish said road, and to cause the same to be surveyed, and a description thereof to be filed with each of the township

clerks of the townships of Almer, Fair Grove, and Akron, whose duty it shall be to record the same, and such record shall be *prima facie* evidence of the existence of such road.

Sec. 3. In all cases where damages may be claimed by reason Damages. of laying out and establishing said road, the same proceedings shall be had thereon as may be required by law for the assessment of damages in case of roads laid out by highway commissioners.

Sec. 4. For the purpose of constructing said road there is hereby appropriated all the non-resident highway tax one mile Non-resident highway tax appropriated for. each side of the line of said road for the term of three years from the passage of this act.

Sec. 5. The State shall not be liable for any expense or damage sustained by reason of this act, but the township of Almer shall pay for the survey and necessary expense, and shall pay the commissioner the same compensation allowed by law to highway commissioners for that part of said road situated in the township of Almer; and said townships of Fair Grove and Akron shall pay equal shares of said expenses and commissioner's fees for that part of said road situated on the line between said last named townships. State not to be liable for expense or damage. Compensation of commissioner.

Sec. 6. Any overseer of highways or township treasurer, having received any portion of such non-resident highway tax, shall, on demand of the special commissioner herein provided for, pay over to such commissioner any such sum of money, and said commissioner's receipt therefor shall release such overseer or treasurer from liability. Officers to pay highway tax to commissioner.

Sec. 7. It shall be the duty of such special commissioner to render to the board of supervisors of said county, at their annual session, a true account on oath or affirmation of the receipts and disbursements of all such money received by him during each year from such townships respectively. Commissioner to render account to supervisors.

Sec. 8. Said commissioner, before he shall be entitled to receive any money so collected as aforesaid, shall make and execute to the county treasurer of said county a bond in the To give bonds.

sum of one thousand dollars, with such surety or sureties as the said county treasurer shall approve, conditioned that he will faithfully apply all moneys received by him by virtue of this act, which bond shall be filed in the office of the county clerk of said county.

Sec. 9. This act shall take immediate effect.

Approved March 3, 1871.

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[ No. 325. ]

AN ACT to organize the township of Grout, in the county of Gladwin.

Township  
organized.

SECTION 1. *The People of the State of Michigan enact*, That surveyed townships seventeen and eighteen north, of range two west, in the county of Gladwin, be and the same is hereby detached from the township of Gladwin and organized into a township by the name of Grout, and the first township meeting therein shall be held at the house of Willard Grout, in said township; and Willard Grout, Charles P. Mills, and Thomas Howland are hereby authorized to act as inspectors of the first election to elect township officers, which election shall be held on the first Monday in April, eighteen hundred and seventy one, and conducted according to the statutes in such cases made and provided.

Inspectors  
of first elec-  
tion.

Of failure to  
hold election  
at specified  
time.

Sec. 2. If, for any reason, the township meeting should not be held at the time named, it shall be lawful to hold the same on any day thereafter, by giving at least ten days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which the said board of inspectors are hereby authorized and required to do.

Sec. 3. This act shall take immediate effect.

Approved March 6, 1871.



[ No. 326. ]

AN ACT to legalize the tax-roll of the township of Saugatuck, in the county of Allegan, for the year eighteen hundred and seventy.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Tax-roll legalized.</sup> the tax-roll of the township of Saugatuck, for the year eighteen hundred and seventy, be and the same is hereby declared as legal and valid as though the two-mill tax had been spread upon the said roll within the time required by law; the said tax having been inadvertantly omitted.

Sec. 2. This act shall take immediate effect.

Approved March 6, 1871.

[ No. 327. ]

AN ACT to change the name of Sadie M. Sweet to Sadie M. Main, and to constitute her heir-at-law of Berton Main and Amelia Main.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Name changed.</sup> the name of Sadie M. Sweet be and the same is hereby changed to Sadie M. Main, and that she be constituted the heir-at-law of Berton Main and Amelia Main.

Sec. 2. This act shall take immediate effect.

Approved March 6, 1871.

[ No. 328. ]

AN ACT to change the name of the township of Thorp, in Wexford county, to Selma.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Township name</sup> the name of the township of Thorp, in Wexford county, be changed. and the same is hereby changed to that of Selma.

Rights,  
privileges,  
etc., not  
changed.

Sec. 2. All debts, liabilities, rights, privileges, and immunities of every nature, incurred by said township of Thorp, by or with any persons or corporations, shall remain as binding and valid against said township of Selma, as they would have been had the name not been changed.

Sec. 3. This act shall take immediate effect.

Approved March 6, 1871.

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[ No. 329. ]

AN ACT to authorize the township of Brighton, in the county of Livingston, to raise money by tax to pay certain bounties.

The raising  
of certain  
bounty  
money au-  
thorized.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for the supervisor of the township of Brighton, in the county of Livingston, in the year of our Lord eighteen hundred and seventy-one, to assess upon the taxable property of said township, in the same manner that other taxes are assessed, the sum of three hundred dollars, and when collected, said sum shall constitute a bounty fund, to be paid out by the township treasurer of said township, one hundred dollars each, to Thomas Fitzgerald, William Spencer, and Edgar Muir, as the township board may direct.

Sec. 2. This act shall take immediate effect.

Approved March 6, 1871.

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[ No. 330. ]

AN ACT to change the name of the Fort Street and Elmwood Railway Company.

Corporation  
name  
changed.

SECTION 1. *The People of the State of Michigan enact*, That the name of the Fort Street and Elmwood Railway Company, a corporation organized under the general laws of this State

providing for the construction of train railways, and doing business in the county of Wayne, be and the same is hereby changed to the Fort Wayne and Elmwood Railway Company.

Sec. 2. Said Fort Wayne and Elmwood Railway Company shall, from and after the passage of this act, be subject to all the liabilities and entitled to all the rights, privileges, real estate, and franchises of the said Fort Street and Elmwood Railway Company. Liabilities, rights, etc., not changed.

Sec. 3. This act shall take immediate effect.

Approved March 6, 1871.

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[ No. 331. ]

AN ACT to change the name of the First Congregational Society of Hastings, to First Presbyterian Society of Hastings.

SECTION 1. *The People of the State of Michigan enact, That* the corporate name of the First Congregational Society of Hastings, in the county of Barry, be and the same is hereby changed, and that hereafter the corporate name thereof shall be the First Presbyterian Society of Hastings. Corporate name changed.

Sec. 2. All the property, powers, duties, trusts, and obligations of every kind possessed by or pertaining to the original corporation are hereby transferred to and vested in the said corporation, hereafter to be known as the First Presbyterian Society of Hastings: *Provided*, All dues, demands, contracts, and liabilities of said First Congregational Society of Hastings shall be and remain in full force against the said First Presbyterian Society of Hastings the same as though such liabilities had been originally incurred by said society under the name herein authorized. Property, trusts, etc., transferred.

Sec. 3. This act shall take immediate effect.

Approved March 6, 1871.

[ No. 332. ]

AN ACT to authorize the Cass County Agricultural Society to sell their fair grounds.

Society authorized to sell fair ground.

SECTION 1. *The People of the State of Michigan enact,* That the officers of the Cass County Agricultural Society be and they are hereby authorized to sell and convey, by good and sufficient deed or deeds of conveyance, the fair grounds of said society (situated near the village of Cassapolis, in the township of Lagrange, of said county), to such person or persons as to them shall seem best, and for the best price or prices they can procure for the same, either at public or private sale, as the said officers shall deem most advantageous to the interests of said society.

Of proceeds of sale.

Sec. 2. The proceeds of the sale of the lands as herein provided, shall be held by said officers, or appropriated by them for the exclusive use and benefit of said Cass County Agricultural Society, and for no other purpose whatever.

Sec. 3. This act shall take immediate effect.

Approved March 6, 1871.

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[ No. 333. ]

AN ACT to legalize the action of the county drain commissioner of Cass county, under the provisions of act number forty-three of the session laws of eighteen hundred and sixty-nine.

Action of drain commissioner legalized.

SECTION 1. *The People of the State of Michigan enact,* That the action of the county drain commissioner of Cass county, under the provisions of act number forty-three, of the session laws of eighteen hundred and sixty-nine, in laying out or constructing, or in partly laying out or constructing any drains, ditches, or water-courses, or otherwise performing his duties

under the provisions of said act number forty-three; and all expenses attending, and all taxes assessed or to be assessed in pursuance of such action of said commissioner shall be deemed and are hereby declared as legal and valid as if said commissioner were not a member of the board of supervisors at the same time.

Sec. 2. This act shall take immediate effect.

Approved March 6, 1871.

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[ No. 334. ]

AN ACT to provide the place for holding the annual township election for the township of Flint, in the county of Genesee, for the year eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact*, That the annual township election for the township of Flint, in the county of Genesee, for the year one thousand eight hundred and seventy-one, shall be held at the school-house on section No. eleven of Smith's Reservation (so called), in said township, near the farm of James Carter. Place for holding township meeting specified.

Sec. 2. This act shall take immediate effect.

Approved March 10, 1871.

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[ No. 335. ]

AN ACT to provide for the levying and collecting of a school tax in fractional school district number six, in the townships of Wright and Tallmadge, in the county of Ottawa.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the supervisor of the township of Tallmadge, in the county of Ottawa, to assess upon so much of School tax to be assessed.

the taxable property of fractional school district number (6) six, in the townships of Wright and Tallmadge (as lies in the township of Tallmadge), the sum of one hundred and forty-three and twenty one-hundredths dollars (\$143.20), for school purposes, the same being the amount properly belonging to the township of Tallmadge, and which sum the supervisor of said township neglected to assess for school purposes for the year eighteen hundred and seventy, and that the same be spread upon the tax-roll of the township of Tallmadge, for collection in the year eighteen hundred and seventy-one.

Sec. 2. This act shall take immediate effect.

Approved March 10, 1871.

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[ No. 336. ]

AN ACT to organize the county of Missaukee.

County  
organized.

SECTION 1. *The People of the State of Michigan enact, That* the county of Missaukee, consisting of the territory embraced by the present county of Missaukee, be and the same is hereby organized into a separate county by the name of Missaukee, and the inhabitants thereof shall be entitled to all the privileges, powers, and immunities to which by law the inhabitants of other organized counties in this State are entitled.

First  
election.

Sec. 2. At the township meeting of the several townships in said county, to be held on the first Monday of April next, there shall be an election of all the county officers to which by law the said county is entitled, who shall hold their several offices until the first day of January, in the year of our Lord eighteen hundred and seventy-three, and until their successors shall have been elected and qualified. Said election shall be conducted in the same way, by the same officers, and the returns thereof made in the same manner, as near as may be, as is now required by law in the election of county officers in this State.

Sec. 3. The county canvass of the votes cast for county officers shall be held on the second Tuesday succeeding the election, at the house of Daniel Reeder, in the township of Reeder, county aforesaid; and said canvass shall be conducted in the same way and by the same officers as the requirements of law now provide in organized counties, as nearly as may be, by the appointment by the board of canvassers of one of their own number to act as secretary to said board of county canvassers.

Sec. 4. The location of the county seat of said county shall be determined by the vote of the electors of said county at a special election, which is hereby appointed to be held by the several townships of said county, on the first Monday in June, eighteen hundred and seventy-three. There shall be written or printed on the ballots there polled by the qualified electors of said county, one place, and the one which shall receive the highest number of votes cast at such election shall be the county seat of the county of Missaukee.

Sec. 5. It shall be the duty of the several boards of township inspectors in each of the townships of the said county to conduct the elections authorized by the provisions of this act, and to make returns thereof in accordance with the general provisions of law for conducting general elections in this State, so far as the same may be applicable thereto.

Sec. 6. The board of county canvassers for the special election for locating the county seat shall consist of the persons appointed on the day of such special election by the several boards of township inspectors, and said board of county canvassers shall meet on the second Tuesday succeeding the day of said special election, at the house of Daniel Reeder, or at such other place as may be agreed upon and provided by said board, and having appointed one of their number chairman, and the county clerk of said county acting as secretary, shall proceed to canvass the votes and determine the location of the county seat, in accordance therewith; and it shall be the duty

of the clerk of said board to file a copy of the determination of said board as to the location of the county seat, signed and certified by him, and countersigned by the chairman, with the Secretary of State and with the township clerks of the several townships in said county.

Temporary  
place for  
transacting  
county busi-  
ness.

Sec. 7. The place to transact the business for said county of Missaukee, until the county seat has been located as provided for in section four of this act, shall be at or near the house of Perley Palmer & Co., on section thirty-two, township twenty-two north, of range six west, in the county of Missaukee.

Judicial  
district.

Sec. 8. The said county of Missaukee, when so organized, shall be in the thirteenth judicial circuit.

Sec. 9. This act shall take immediate effect.

Approved March 11, 1871.

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[ No. 337. ]

AN ACT to authorize the Adrian Church Association to convey certain real estate.

Corporation  
authorized  
to sell cer-  
tain prop-  
erty.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for the Adrian Church Association to transfer and convey to the First Presbyterian Church and Society of Adrian, the lot and premises on which the church edifice occupied by the said church and society, in the city of Adrian, stands, whenever the said first-mentioned corporation, by a vote of the executive board thereof, shall so determine.

Execution  
of deed  
therefor.

Sec. 2. Such transfer and conveyance may be by deed executed on behalf of said Adrian Church Association by the president and secretary, under the corporate seal thereof.

Sec. 3. This act shall take immediate effect.

Approved March 15, 1871.



## [ No. 338. ]

AN ACT to authorize Bay county to issue bonds for constructing a bridge across the Saginaw river.

SECTION 1. *The People of the State of Michigan enact, That* County authorized to issue bonds. the board of supervisors of Bay county may borrow sixty thousand dollars on the faith and credit of said county, and may issue its bonds therefor, payable at a time not exceeding twenty years from the date of such bonds, and bearing interest at a rate not exceeding ten per cent per annum, for the purpose of constructing a bridge across the Saginaw river, between Bay City and the west bank of said river, at such place as shall be determined upon by said board of supervisors: *Provided,* Purpose of same. That the question of making said loan shall be voted on by the electors of said county on the first Monday of April next, *And provided further,* Provido. That no bonds shall be issued under the provisions of this act, unless the majority of the votes cast by the electors of said county, voting upon the question of the issue of said bonds at such election, shall be in favor thereof.

Sec. 2. The inspectors of election, at the election on the first Monday of April next, at the several places where elections shall be held in Bay county, shall provide a special box, marked "Bridge loan," in which all votes cast under this act shall be deposited. All votes given in favor of or against said loan shall be by ballot. Those voting in favor thereof shall have written or printed, or partly written and partly printed, Question of issue to be submitted to electors. on their ballots the words, "For the bridge loan;" those voting against the same shall have written or printed, or partly written and partly printed, Manner of voting on same. on their ballots the words, "Against the bridge loan." The votes cast under this act shall be canvassed and returned in the same manner, as near as may be, as in the canvass and return of votes cast for county officers, and the result of such vote shall be determined and certified by the board of county canvassers at the time fixed by law for the meeting of the board of county canvassers.

Issue of  
bonds lim-  
ited.

Sec. 3. No more bonds shall be issued under the provisions of this act, and no more money shall be expended thereunder, than shall be actually necessary to construct said bridge.

Sec. 4. This act shall take immediate effect.

Approved March 15, 1871.

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[No. 339.]

AN ACT changing the name of the township of Glen Arbor in the county of Leelanaw, to that of Cleveland.

Township  
name  
changed.

SECTION 1. *The People of the State of Michigan enact*, That the name of the township of Glen Arbor, in the county of Leelanaw, be changed to that of Cleveland.

Sec. 2. This act shall take immediate effect.

Approved March 15, 1871.

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[ No. 340. ]

AN ACT changing the name of the township of Sleeping Bear, in the county of Leelanaw, to that of Glen Arbor.

Township  
name  
changed.

SECTION 1. *The People of the State of Michigan enact*, That the name of the township of Sleeping Bear, in the county of Leelanaw, in this State, be and the same is hereby changed to that of Glen Arbor.

Sec. 2. This act shall take immediate effect.

Approved March 15, 1871.

[ No. 341. ]

AN ACT to change the name of Jennie Geroy and Marcus E. Geroy to Mary Jennie Russell and Herbert Marcus Russell, and that they be constituted heirs-at-law of Lucien P. Russell.

SECTION 1. *The People of the State of Michigan enact*, That <sup>Names changed.</sup> the names of Jennie Geroy and Marcus E. Geroy be and the same are hereby changed to Mary Jennie Russell and Herbert Marcus Russell, and that they be made the legal heirs of Lucien P. Russell.

Sec. 2. This act shall take immediate effect.

Approved March 15, 1871.

[No. 342.]

AN ACT to amend sections one, two, four, and five, of act number two hundred and thirty-five, of the session laws of eighteen hundred and forty-nine, relative to the incorporation of the Grand Lodge of Free and Accepted Masons of Michigan, and to repeal act number sixty-nine, of the session laws of eighteen hundred and sixty-nine.

SECTION 1. *The People of the State of Michigan enact*, That <sup>Sections amended.</sup> sections one, two, four, and five of an act entitled "An act to incorporate the Grand Lodge of Free and Accepted Masons of the State of Michigan," approved April second, eighteen hundred and forty-nine, be amended so as to read as follows:

Sec. 1. The Grand Lodge of Free and Accepted Masons of <sup>Name.</sup> the State of Michigan by that name and style are hereby incorporated and declared a body politic and corporate in deed and <sup>Body corporate and politic.</sup> law, with succession, and shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts and places whatsoever, in all manner of action, suits, com-

plaints, matters, and causes whatsoever, and that they and their successors shall have a common seal, and may change and alter the same at their pleasure.

Officers of  
corporation.

Sec. 2. The officers of said corporation shall be: The grand master, deputy grand master, senior grand warden, junior grand warden, grand treasurer, and grand secretary, for the time being, and they shall constitute the board of directors of said corporation for the transaction of all business authorized by this act.

Powers of  
corporation.

Sec. 4. Said corporation may make, under direction of the Grand Lodge when assembled, and establish, all necessary by-laws and rules for its governance and the governance of all subordinate lodges under the jurisdiction of the Grand Lodge, relating to the business and property authorized to be done, held, and conveyed by this act; and said corporation may take, hold, and convey, as may be required from time to time, any real or personal estate for the purposes of their organization, not at any time exceeding of personal estate fifty thousand dollars, and of real estate five hundred thousand dollars; and all real and personal estate so held may be conveyed by deed or bill of sale in the name of the corporation, executed by the grand master for the time being, and in case of real estate acknowledged by him to be the act and deed of the corporation, or by such other person as the board of directors may appoint for that purpose, with the seal of the Grand Lodge attached, and such conveyance so executed shall be valid and binding for all intents and purposes whatsoever.

Idem.

Sec. 5. Said corporation may hold real and personal estate of subordinate lodges in trust for the use of such subordinate lodges, and do all acts and things in law relating thereto as trustees, and may convey the same as above, under the direction of such subordinate lodge and the rules, regulations, and by-laws of the Grand Lodge in relation thereto.

Sec. 2. Act number sixty-nine, of the session laws of eighteen hundred and sixty-nine, is hereby repealed.

Approved March 15, 1871.

[ No. 343. ]

AN ACT to authorize the president and trustees of the village of Dowagiac to change the channel and course of the Dowagiac creek within the corporate limits of said village, to improve such new channel, and to loan money in aid thereof.

SECTION 1. *The People of the State of Michigan enact*, That the president and trustees of the village of Dowagiac are hereby authorized and empowered to borrow a sum of money not exceeding ten thousand dollars on the faith and credit of said village, and to issue its bonds therefor, payable at any time not exceeding ten years from the date thereof, and at a rate of interest not exceeding ten per cent per annum; or, in their discretion, to levy an annual tax as is hereinafter set forth, which said money shall be expended for the purpose hereinafter mentioned.

Sec. 2. The president and trustees of said village shall have power to lay out, dig, and construct a new channel, race, or canal to conduct the water of the Dowagiac creek, so as to drain the low lands in and about the old channel of said creek from a point or place to be designated by said board, at or near the eastern limits of said village, to the old channel of said creek, at some point within the limits of said village and east of the track of the Michigan Central railroad, to be designated by said board, over and through such lands as may be obtained by said village by gift or purchase; to erect pumping apparatus and works on said new channel to supply the public fire-cisterns of said village; and also to construct all flumes, gates, and other apparatus necessary to make the waters of said channel available as a propelling power to be disposed of by said board in such a manner as will best advance the interests of said village and, as far as may be, [to] repay the money thus expended.

Sec. 3. It shall be lawful for the president and trustees of said village, in and by their corporate name, to take, receive, and hold such voluntary grants or donations of lands, rights of way, water-rights, and moneys in aid of said work or improve-

ment, to purchase and hold such real estate, water-rights, and rights of way as may be necessary for the same, and to convey such real estate with such water-rights and privileges as such new channel may furnish, to such parties and at such rates as said trustees shall deem best for the public good of said village.

Work to be  
let to lowest  
bidder, etc.

Sec. 4. The letting of the work herein contemplated shall first be advertised for four successive weeks, before the letting of said work, in a newspaper published in said village, and the contract for the work designated by said board, and for which proposals shall have been received, shall be given to the lowest responsible bidder therefor, who shall give sufficient security for the faithful performance of the same.

Notice of  
meeting of  
electors to  
vote on loan.

Sec. 5. Within ninety days after the passage of this act, and also at any time thereafter which may be fixed by said board, the village clerk of said village shall give notice that the question of levying an annual tax, or of borrowing on the faith and credit of said village, a sum of money to be fixed by said trustees, sufficient for said work and not exceeding the sum of ten thousand dollars, to be specified in said notice, and payable by tax to be levied and collected for that purpose, at the times therein mentioned, will be submitted to the qualified electors of said village, at the time and place therein designated, not less than twenty days from the date thereof. Such notice shall be given by inserting the same in a newspaper published in said village, for at least two successive weeks, and by causing written or printed notices thereof to be posted in four public places within the corporate limits of said village. At the time specified in such notice, the inspectors of elections of such village shall receive the votes cast by the qualified electors thereof, and declare the result, as in other elections of said village. The ballots cast shall have printed or written thereon, "Dowagiac creek improvements—Yes," and "Dowagiac creek improvements—No." And if a majority of votes cast shall be in the affirmative, the president and trustees of said village shall be authorized, in their discretion, to levy an annual tax,

Meeting.

Form of  
ballot.

Levy of tax  
for payment  
of bonds.

not exceeding in the aggregate the amount specified in said notice, nor for a greater sum in any one year than the amount of the annual payments which would become due were such bonds issued, or to pledge the credit and issue the bonds of said village, for any amount not exceeding the sum specified in said notice, and made payable as therein set forth, and to collect by tax to be levied and collected as other taxes of said village are levied and collected, the amount with interest which shall become due annually on said bonds.

Sec. 6. This act shall not authorize said trustees to do any act which shall in any manner diminish the water-rights or privileges of any owner of water-rights on said creek, without the consent of such owner first obtained. Water rights not to be diminished.

Sec. 7. This act shall take immediate effect.

Approved March 15, 1871.

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[ No. 344. ]

AN ACT relative to free schools in the city of Grand Rapids.

SECTION 1. *The People of the State of Michigan enact*, That the city of Grand Rapids, and all contiguous territory which shall hereafter be added thereto, shall constitute one school district, and all public schools therein shall be under the direction and control of the board of education hereinafter provided for, and shall be free to all residents of said district over the age of five years. School district organized.

Sec. 2. On the first Monday of September in each year, at seven and one-half o'clock P. M. of that day, there shall be held in each ward of said city a meeting of the qualified electors thereof, ten days' notice of the time and place of holding which meeting shall be given by the mayor of said city, by publishing the same in two newspapers therein, of which meeting the school trustee for said ward whose term of Annual school meeting. Notice of same.

Officers of  
meeting.

Trustee for  
each ward.

Proviso  
relative to  
present  
organization

Compensa-  
tion.

Vacancies.

Acceptance  
of office by  
trustees.

Failure to  
accept.

Board of  
trustees a  
body corpo-  
rate, etc.

office shall soonest expire, and who shall be present thereat, shall be chairman. If no school trustee be present, a chairman shall be chosen by the meeting. Said meeting shall elect a secretary, and when thus duly organized shall elect by ballot one school trustee for said ward, who shall be a resident thereof, and shall hold his office for the term of two years and until his successor shall have been elected and filed his acceptance; and a minute of the proceedings of said meeting, certified to by the chairman and secretary thereof, shall be filed with the clerk of said city, and a duplicate thereof with the secretary of the board of education, and shall be *prima facie* proof of the matters therein stated; and the secretary of the board of education shall immediately, upon receipt of the minutes of said meeting, notify said trustee of his election: *Provided*, That the present trustees of fractional union school district number one, of union school district number two, and of fractional union school district number six of said city, shall be members of the board of education created by this act, and shall hold office for the terms for which they were severally elected.

Sec. 3. No school trustee, except the secretary of the board, shall receive any compensation for his services.

Sec. 4. In case of a vacancy in the office of school trustee, the same may be filled by the board.

Sec. 5. Every person elected to the office of school trustee shall, within ten days after receipt by him of notice of his election, file his written acceptance of said office with the secretary of the board; and any such person who, without sufficient cause, shall neglect or refuse to file such acceptance, or to serve, shall forfeit to the board of education, for the use of the library, the sum of ten dollars, to be recovered in any competent court.

Sec. 6. The present trustees of the said several school districts of said city, during their respective terms of office, and the trustees hereafter to be elected under the provisions of



this act, together with the mayor of said city (who is declared to be *ex officio* school trustee) shall be a body corporate, under the name and style of "The board of education of the city of Grand Rapids," and in that name may sue and be sued, and may take, hold, and sell, and convey real and personal property, as the interests of said schools may require.

Sec. 7. The first meeting of said board of education shall be called by the mayor of said city within thirty days after this act shall take effect; and said board, a majority of whom shall constitute a quorum, shall elect one of their number president, who shall hold office until the election and acceptance of his successor.

Sec. 8. All the school property, real and personal, of the several school districts of said city is hereby vested in said board of education; and all indebtedness of said several school districts is hereby declared to be the indebtedness of said board, and said board shall make provision for the payment of the same.

Sec. 9. The board of education of the city of Grand Rapids shall have power and authority to designate and purchase school-house sites, erect buildings and furnish the same, employ superintendents, teachers, [and] janitors, provide books for the district library, apparatus and scientific collections for illustration, establish, locate, and maintain a high school, grammar, and primary schools, establish and maintain a district library, and generally do all things needful and desirable for the maintenance, prosperity, and success of the schools of said city, and the promotion of the thorough education of the children thereof; and it shall be the duty of said board to apply for and receive from the county treasurer, or other officer holding the same, all moneys appropriated for primary schools and the district library of said city, to adopt by-laws and rules for their own procedure, and to make all needful rules and regulations for the control and management of the schools of said city; and said board shall, annually, on the

Annual financial estimate to be submitted to electors.

first Monday in September, make an estimate of the amount of taxes deemed necessary for the ensuing year for all purposes of expenditure within the powers of said boards, which estimate shall specify the amounts required for the different objects of expenditure, and publish the same one week in at least one of the daily papers of said city. On the second Monday of September, in each year, at seven and one-half o'clock P. M., at some central point in said city to be provided by the board of trustees, there shall be held a meeting of the electors of said city authorized to vote for school officers, to whom shall be submitted the estimates above mentioned for ratification or rejection, and it shall not be lawful to levy any tax for school purposes that has not been approved by a majority of those present and voting at said meeting. One week's notice of said meeting shall be given in two of the daily papers of said city previous to the second Monday in October in each year. The secretary of said board shall make a written report of the amount of taxes, so deemed necessary, to the supervisors of the several wards of said city, and the same shall be levied, collected, and returned in the same manner as other city taxes: *Provided*, That for purchasing school lots and for erecting school-houses, no greater sum than five mills on the dollar of all the taxable valuation of the real and personal property in said city shall be levied in any one year.

Report of taxes authorized, to be made to supervisors.

Proviso.

Officers of board.

Sec. 10. The said board shall annually elect a president, secretary, treasurer, and superintendent of schools; and said treasurer shall have the keeping of all school and library moneys, and shall not pay out the same without the authority of said board, and shall also be required to give bonds in such sum as the board shall determine, for the faithful performance of his duties.

Board to act as inspectors.

Sec. 11. The said board shall be the board of school inspectors for said city of Grand Rapids, and shall, as such, report to the clerk of the county of Kent. No school inspector shall be hereafter elected within said city; and all teachers employed

by said board of education shall first be inspected by a committee of the board and the superintendent, and if found qualified shall receive a certificate in the form which may be prescribed by said board; and no inspection or certificate from the county superintendent shall be required to authorize such persons to teach within said city.

Sec. 12. The said board shall annually publish in the official newspaper of the city (or in pamphlet form) a statement of the number of schools in said city, the number of teachers employed, and the number of pupils instructed therein, during the preceding year, and the expenditures of said board for all purposes.

Sec. 13. The city treasurer shall at any time, on the written request of the secretary of the board of education, report to the said secretary the amount of school moneys in his hands, and shall, on the order of the president of said board, pay to the treasurer of said board all such moneys, taking his receipt therefor, and also a duplicate receipt which he shall file with the secretary of said board.

Sec. 14. The recorder's court shall have jurisdiction of all suits wherein the said board may be a party.

Sec. 15. All school taxes which may be assessed within said city shall be set forth in the assessment rolls of said city in a separate column, apart and distinguished from all other city taxes.

Sec. 16. The said board of education may, from time to time, on such terms of payment as they may deem proper, borrow moneys for temporary school purposes, not exceeding in all the sum of ten thousand dollars in any one year, and may issue the bonds of said board therefor, which amount shall be paid from the first taxes levied thereafter.

Sec. 17. The said board shall have full power and authority to borrow such sums of money as may by them be deemed necessary, for the purpose of purchasing school-house sites

- Proviso. and building school-houses within said city: *Provided*, That the action of the said board, authorizing such loans, shall first be submitted to the electors at the annual meeting on the second Monday in September, and, if approved by a majority of the electors present and voting, the bonds of the city shall be issued and deposited with the treasurer of said board of education, for such amounts, and upon such terms of payment, and drawing such rate of interest, not exceeding ten per cent per annum, as said board and council may direct, which bonds shall not be valid until countersigned by the president and secretary of said board of education: *Provided also*, That no bonds issued under this section shall be sold at less than par.
- Proviso.

Inconsistent  
acts repealed

Sec. 18. All acts and parts of acts inconsistent with this act, existing at the time this act shall take effect (so far as relates to the city of Grand Rapids), are hereby repealed; and all provisions of the general school law of the State of Michigan, not hereby repealed in this section within said city, are declared operative, and of the same force therein as elsewhere in this State. This act shall be submitted to the electors of said city for their approval at the next ensuing charter election to be held therein, by written or printed ballots, on which shall be written or printed, "School law—Yes," and "School law—No;" and in case a majority of the votes cast shall read, "School law—Yes," then this act shall take effect immediately thereafter.

This act to  
be submit-  
ted to elec-  
tors.

Sec. 19. This act shall take immediate effect.

Approved March 15, 1871.

[ No. 345. ]

AN ACT to organize the county of Clare, and to locate the county seat thereof.

SECTION 1. *The People of the State of Michigan enact, That* <sup>County organized.</sup> townships numbered seventeen, eighteen, nineteen, and twenty north, of ranges three, four, five, and six west, being the townships as surveyed by the United States, be and the same are hereby organized into a county, to be known and designated as the county of Clare, and the inhabitants thereof shall be entitled to all the rights and privileges to which by law the inhabitants of other [organized] counties are entitled.

Sec. 2. There shall be elected in the said county of Clare <sup>Election of county officers.</sup> above organized, at the next annual township meeting in the several townships in said county, to be held on the first Monday of April, one thousand eight hundred and seventy-one, all the several county officers to which by law organized counties in this State are entitled, and said election shall in all respects be conducted and held in the manner prescribed by law for holding elections for county and State officers, and the said officers so elected shall, after having been duly qualified according to law, enter upon the duties of their respective offices on the first Monday of May, in the year eighteen hundred and seventy-one, and hold the same until the first day of January, in the year eighteen hundred and seventy-three, and until their successors are elected and qualified.

Sec. 3. The board of canvassers of said county, under this <sup>Board of canvassers.</sup> act, shall consist of the presiding inspectors of elections from each township therein, and the said inspectors shall meet at the village of Farwell, in said county, on the second Tuesday after the election, and organize by appointing one of their number chairman and another secretary of said board, and shall thereupon discharge all other duties of a board of county canvassers as in other cases of elections for county and State officers.

**County seat.** Sec. 4. The county seat of said county is hereby established at the village of Farwell, said village being situated on section twenty-five, in town seventeen north, of range five west.

**Place for holding circuit court.** Sec. 5. The sheriff and county clerk elected under the provisions of this act shall provide a place in said village of Farwell for holding the circuit court in said county, and also suitable places in said village for the several county offices, until the board of supervisors shall provide for the same.

**Record of deeds to be transcribed.** Sec. 6. The board of supervisors of said county of Clare may employ a suitable person to transcribe the record of deeds and mortgages from the records of Isabella, Mecosta, and Midland counties, so far as the same relates to lands in Clare county, which person shall have access to the books in the office of the register of deeds in said Isabella, Mecosta, and Midland counties for that purpose. Such transcribed record shall be taken and received in all cases, and have the same legal effect as the original record.

**Judicial circuit.** Sec. 7. The county of Clare, as above organized, is hereby made a part of the tenth judicial circuit.

**Notice to clerk of Grant township by Secretary of State.** Sec. 8. Within ten days after the passage of this act, it shall be the duty of the Secretary of State to transmit by mail to the township clerk of the township of Grant, in said county of Clare, a certified copy of this act; and it shall be the duty of said township clerk, upon receiving such certified copy, to notify the several township clerks of the several townships of said county of Clare, of the time of holding election for the officers provided for in this act, and of the several officers to be elected, at least ten days prior to the said election.

**Notice to township clerks of election.** Sec. 9. All acts and parts of acts contravening the provisions of this act shall be and the same are hereby repealed.

**Inconsistent acts repealed.** Sec. 10. This act shall take immediate effect.

Approved March 16, 1871.

## [ No. 346. ]

AN ACT to change the name of Emma Manning to Bertha Morehouse, and to constitute her the heir-at-law of Joseph Morehouse, of Saginaw county, Michigan.

SECTION 1. *The People of the State of Michigan enact,* <sup>Name changed.</sup> That the name of Emma Manning be and the same is hereby changed to Bertha Morehouse, and she is hereby made and constituted the legal heir-at-law of Joseph Morehouse, of Saginaw county, State of Michigan.

Sec. 2. This act shall take immediate effect.

Approved March 18, 1871.

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## [ No. 347 ]

AN ACT to change the name of Charles Brown to Charles Brown Calvert.

SECTION 1. *The People of the State of Michigan enact,* <sup>Name changed.</sup> That the name of Charles Brown be and the same is hereby changed to Charles Brown Calvert.

Sec. 2. This act shall take immediate effect.

Approved March 18, 1871.

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## [ No. 348. ]

AN ACT to change the name of Daniel Johnson to Daniel Way, and that he be constituted heir-at-law of Francis Way.

SECTION 1. *The People of the State of Michigan enact,* <sup>Name changed.</sup> That the name of Daniel Johnson be and the same is hereby changed to Daniel Way, and that he be made the legal heir of Francis Way.

Sec. 2. This act shall take immediate effect.

Approved March 18, 1871.

[ No. 349. ]

AN ACT to organize the township of Manistique, in the unorganized county of Schoolcraft.

Township  
organized.

SECTION 1. *The People of the State of Michigan enact*, That all that portion of said unorganized county of Schoolcraft lying south of townships numbered forty-four north is hereby detached from the township of Munising, in said county, and erected into a new township, to be known as and styled the township of Manistique.

First  
election.

Sec. 2. The first election in said township of Manistique shall be held at the office of the Chicago Lumber Company, in said township, on the first Monday of April next. The electors present at the opening of the polls shall choose three of their number inspectors of said election, who shall take the constitutional oath of office as required by law, which oath may be administered by any person authorized to administer oaths; and said election shall be held and conducted in the same manner, as near as may be, as is now provided for holding township elections under the laws of this State.

Place of  
meeting.

Sec. 3. If for any reason it shall be impracticable to hold said election at the place herein designated therefor, it shall be lawful for the electors assembled at or as near as may be to such place, to adjourn said meeting to the nearest convenient place for holding the same, and at said place of adjournment forthwith proceed with the meeting.

Sec. 4. This act shall take immediate effect.

Approved March 18, 1871.

[ No. 350. ]

AN ACT to authorize the township of Delhi, in the county of Ingham, to raise by tax a sum of money to aid in draining a certain swamp in said township.

Tax author-  
ized.

SECTION 1. *The People of the State of Michigan enact*, That the township of Delhi, in the county of Ingham, is hereby



authorized to raise by tax on the real and personal property of said township, to aid in draining a certain swamp in said township, a sum not exceeding fifty cents per rod for each rod of ditch adjudged by the town board of Delhi to be necessary to drain the surface water from sections four, five, six, seven, eight, and eighteen, in said township of Delhi: *Provided*, That Proviso. the electors of said township shall so determine at the general township meeting, to be held on the first Monday of April next, or at a special election called for that purpose at any time thereafter. In either case, the clerk of said township shall give ten days' notice of said meeting by posting notices Notice of meeting of electors. of the same in three public places in said township; the question to be determined by ballot, upon which shall be written Form of ballot. or printed, or partly written and partly [printed], the words, "Tax for ditch—Yes," or "Tax for ditch—No."

Sec. 2. If the electors of said township shall determine, by Township board to determine course of ditch, etc. two-thirds of all the ballots cast at such election upon the question of raising money by tax for cutting said ditch, to authorize the levy and collection of the aforesaid sum, it shall be the duty of the township board of the town of Delhi to determine the general course, width, and depth of said ditch, and appoint some suitable person a commissioner, whose duty it shall To appoint commissioner. be to cause the line of the proposed ditch to be surveyed and the work to be staked out preparatory to letting jobs, and advertise the letting of the same by posting up notices in five public places in said township, and shall, at the time and place advertised, proceed to offer at public sale, in sections or otherwise, the cutting of said ditch, and shall contract said work to the lowest responsible bidder, reserving to himself the right of Work to be let to lowest bidder. rejecting all bids should he deem the same unreasonably high, and adjourn the sale to some subsequent day or let the same at private contract if he shall deem such private bids reasonable; but in case such contracts are not let at public sale for want of reasonable bids, said commissioner shall not conclude a contract or accept any proposition for the work without the

Contractors  
to give  
bonds.

approval of the township board of said township. Said commissioner shall require good and sufficient bonds from all contractors for the faithful performance of their work, subject to the approval of said township board.

Township  
board to in-  
spect work.

Sec. 3. It shall be the duty of the township board to inspect the work, and if the same shall have been completed in a satisfactory manner they shall issue orders upon the treasurer of Delhi township, in payment for the work so completed and accepted.

Levy of tax.

Sec. 4. Upon the execution of the proper contract, with security as aforesaid, to the satisfaction of the commissioner, and approved by the township board as aforesaid, the supervisor of the township of Delhi is hereby authorized and directed to spread a tax upon the taxable property of said township as assessed for the year eighteen hundred and seventy-one (or subsequent year, whenever said electors shall vote for the raising said tax, and the jobs shall have been let according to the preceeding provisions of this act), sufficient to pay the amount authorized by the vote of the electors and the determination of the township board, not exceeding the sum of fifty cents per rod for the whole length of the proposed ditch: *Provided*, That if the cost of said ditch shall exceed the sum so voted by the electors as aforesaid, the supervisor of said township is hereby authorized and required to spread upon the tax-roll aforesaid, opposite the descriptions of land adjudged by him to be benefited by the construction of said ditch, the proper amount in excess of the fifty cents per rod, in such proportion as he shall deem just and equitable, and to extend said tax upon a separate column of the assessment or tax roll of said township properly designated, and the same is hereby declared to be a legal tax against the property so assessed, to be collected by the treasurer of said township or returned for non-payment, the same as other taxes are collected and returned.

Proviso.

Sec. 5. The commissioner appointed by said township board shall be entitled to receive such sum as agreed upon with said township board, not exceeding two dollars per day for actual services rendered by him, to be paid by the township treasurer on the order of the township board, who are hereby authorized to audit and allow the amount of said commissioner, upon his sworn statement of the number of days' service actually and necessarily rendered in the proper execution of the duties devolving upon him as such commissioner.

Sec. 6. This act shall take immediate effect.

Approved March 18, 1871.

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[ No. 351. ]

AN ACT to authorize the trustees of the Michigan Collegiate Institute of Leoni to sell and convey certain real estate.

SECTION 1. *The People of the State of Michigan enact*, That the trustees of the Michigan Collegiate Institute of Leoni be and they are hereby authorized and empowered to sell and convey, by good and sufficient warranty deed or deeds, all right, title, and interest in and to all or any part of the real estate belonging to said institution, and situated in the village of Leoni.

Sec. 2. This act shall take immediate effect.

Approved March 18, 1871.

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[No. 352.]

AN ACT to legalize the making and recording the original plat of French's addition to the village (now city) of Big Rapids.

SECTION 1. *The People of the State of Michigan enact*, That the making and recording of the original plat of French's

addition to the village (now city) of Big Rapids, in the county of Mecosta, which was made and recorded on the ninth day of May, in the year of our Lord one thousand eight hundred and sixty, by Zerah French and Margaret French, as proprietors and owners, under the name of "Glen Elm," which name was by the said proprietors, on the fourth day of June of the same year, changed from "Glen Elm" to "French's addition to the village of Big Rapids," be and the same is hereby declared to be as legal and valid as though the said proprietors and surveyor had duly acknowledged the same as is provided by the laws of this State relative to the making and recording of town plats and the vacating of the same; and the change in the name of the original plat as aforesaid is hereby fully ratified and confirmed, and declared to be as legal and valid as though it had originally been called, "French's addition to the village of Big Rapids."

Sec. 2. This act shall take immediate effect.

Approved March 18, 1871.

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[ No. 353. ]

AN ACT to vacate the township of Sibley, in the county of Keweenaw, and attach the same to the township of Copper Harbor, in said county.

Territory  
attached to  
township of  
Copper  
Harbor.

SECTION 1. *The People of the State of Michigan enact*, That all that part of Keweenaw county, designated and described as surveyed townships fifty-seven, fifty-eight, and fifty-nine north, of range twenty-nine west, be and the same is hereby attached to the township of Copper Harbor, in said county.

Township  
organization  
vacated.

Sec. 2. The organization of the township of Sibley is hereby vacated, and the township officers thereof are hereby required to deliver to the county clerk of said county of Keweenaw all the books, papers, records, property, and effects of the said township

of Sibley, subject to the disposal of the board of supervisors of said county, for the use of the several township officers of the township of Copper Harbor entitled thereto.

Sec. 3. The supervisor of the township of Copper Harbor shall, at the time of assessing the ordinary taxes for the year eighteen hundred and seventy-one, assess and levy by special tax on the real and personal property within that part of the township of Sibley, according to the valuation thereof appearing on the last assessment roll of said township of Sibley, such sums of money as may be necessary to pay its just proportion of any and all debts due from said township at the time of its vacation, and shall insert such special tax in the assessment roll of his township for the year eighteen hundred and seventy-one, which said sums, when collected, shall be paid over by the treasurer collecting the same, in payment of debts so due and owing by the township of Sibley.

Levy of  
taxes to pay  
debts of said  
township of  
Sibley.

Sec. 4. This act shall take immediate effect.

Approved March 18, 1871.

[ No. 354. ]

AN ACT to provide for laying out and constructing a State road from the northern terminus of the Ovid and St. Charles State road, northerly, to intersect the St. Louis and Saginaw plank road, and appropriating certain non-resident highway taxes for the construction of the same.

SECTION 1. *The People of the State of Michigan enact, That* E. W. Mead be and is hereby appointed a commissioner whose duty it shall be to cause to be surveyed and located a State road from the northern terminus of the Ovid and St. Charles State road, northerly, on the most practicable route, to some point on the St. Louis and Saginaw plank road.

Commis-  
sioner to lay  
out, etc.

Sec. 2. The said commissioner is authorized and empowered to employ a surveyor and such assistants as may be necessary to locate, survey, and establish the line of said road, and when

To employ  
surveyor,  
etc., and  
record  
survey.

such line shall have been established, a full description of the route and survey thereof shall be filed by such commissioner with the county clerk of the county of Gratiot.

Non-resident highway tax appropriated to build

Sec. 3. The non-resident highway taxes levied upon the lands for the period of five years from the passage of this act lying within two miles on the west side and three miles on the east side of said line of road shall be and the same are hereby appropriated for the construction and improvement of said road and the payment of the expenses necessarily incurred in laying out and establishing the same; and it shall be the duty of said commissioner to expend the same for the purpose aforesaid, from time to time, as it shall be collected, and to direct and determine the manner in which the same shall be done.

Treasurers to retain said moneys subject to order of commissioner.

Sec. 4. It shall be the duty of the county treasurer of said county and any overseer of highways, or the township treasurers, in either of the townships through which said road shall pass, to retain in their hands all such sums of money as may be received by them for non-resident highway taxes, assessed within the time aforesaid, on any of the lands hereinbefore mentioned, and to pay the same only upon the order of the commissioner or his successor.

Commissioner to render account to supervisors.

Sec. 5. It shall be the duty of said commissioner to render to the board of supervisors of Gratiot county, at their annual session in each year, and at such other times as the boards may require, a full and true account of all moneys received by him to be applied on said road, the amount received from each officer, and the manner in which the same has been applied.

Oath and bond.

Sec. 6. The said commissioner, before entering upon the duties of his office, shall take and subscribe the constitutional oath of office, and shall execute a bond to the people of this State in the penal sum of two thousand dollars, with such sureties as shall be approved by the treasurer of Gratiot county, conditioned that such commissioner will faithfully discharge the duties of said office, and expend all moneys received by him for the benefit of said road, as directed by this

act, which bond and oath shall be filed with the treasurer of Gratiot county. Said commissioner shall receive for his services, <sup>Compensation.</sup> while engaged in his official duties as provided by this act, two dollars per day, which shall be audited by the board of supervisors of said county of Gratiot and paid out of the fund created by this act.

Sec. 7. If the said commissioner shall neglect or refuse to <sup>Subject to removal.</sup> perform any duties of his said office, or shall misapply any of the funds provided in this act, it shall be competent for the board of supervisors of Gratiot county to forthwith remove him from said office; and any vacancy in said office shall be filled by said board of supervisors.

Sec. 8. Said road shall be known as the Lafayette and <sup>Name of road.</sup> Wheeler State road.

Sec. 9. This act shall take immediate effect.

Approved March 18, 1871.

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[ No. 355. ]

AN ACT to authorize the city of Owosso to raise money to construct a city hall and city prison for the city of Owosso.

SECTION 1. *The People of the State of Michigan enact,* <sup>City authorized to borrow money.</sup> That the common council of the city of Owosso shall be and is hereby authorized and empowered to borrow money on the faith and credit of said city, and issue bonds therefor, to the amount not exceeding fifty thousand dollars, which shall be <sup>Purpose.</sup> expended in the construction of a city hall and city prison, to be located in the city of Owosso: *Provided,* <sup>Proviso.</sup> That two-thirds of the property-holding tax-payers of said city, being electors therein, shall vote for such loan in the manner hereinafter specified, and not otherwise.

Sec. 2. The question of raising said money by loan shall be <sup>Question of loan to be submitted to electors.</sup> submitted by the common council of said city to the electors thereof, qualified as aforesaid, and the vote shall be taken as

Special  
election for  
same.

Form of  
ballots.

Issue of  
bonds and  
form of  
same.

Proviso.

near as may be in accordance with the provisions of an act entitled "An act to incorporate the city of Owosso," approved February fifteen, eighteen hundred and fifty-nine, and the acts amendatory thereto. The common council shall have power to order a special election when it may by said common council be deemed necessary to carry out the provisions of this act; and the proceedings had at such special election shall be the same as at general elections held within said city, except that those electors voting for said loan shall have written or printed on their ballots the words, "For the loan;" and those voting against said loan shall have written or printed upon their ballots the words, "Against the loan."

Sec. 3. If such loan shall be authorized by two-thirds of such electors, said bonds may be issued in such sums not exceeding the amount hereinbefore limited, and payable at such times, with such rate of interest, not exceeding ten per centum per annum, as the common council shall direct, and shall be signed by the mayor and clerk and countersigned by the auditor, and sealed with the seal of said city, and negotiated by or under the direction of said common council; and the money arising therefrom shall be appropriated in such manner as said common council shall determine, for the purpose aforesaid; and the said common council shall have power, and it shall be their duty, to raise by tax upon the taxable property of said city, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon, as fast as the same shall become due: *Provided*, That the common council of the city of Owosso shall not lease, sell, or give such city hall or city jail [prison] to the county of Shiawassee as a court house or county jail, and that any such lease, grant, or gift shall be void.

Approved March 18, 1871.



## [ No. 356 ]

AN ACT to organize the township of Quilna, in the county of Missaukee.

SECTION 1: *The People of the State of Michigan enact*, That <sup>Township organized.</sup> township number twenty-three north, of range eight west, in the county of Missaukee, be and the same is hereby organized into a separate township, by the name of Quilna.

Sec. 2. The first election in said township shall be held at <sup>First election.</sup> the house of James White, on the first Monday of April, eighteen hundred and seventy-one, which said election shall be conducted according to the statutes in such cases made and provided; and James White, James Evans, and James Hirst <sup>Inspectors of same.</sup> are hereby constituted and appointed inspectors of said election.

Sec. 3. If, for any reason, the township meeting should not be held at the time named, it shall be lawful to hold the same <sup>Of failure to hold election at specified time.</sup> on any day thereafter, by giving at least ten days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which the board of inspectors are hereby authorized and required to do.

Sec. 4. This act shall take immediate effect.

Approved March 18, 1871.

## [ No. 357. ]

AN ACT to organize the county of Lake.

SECTION 1. *The People of the State of Michigan enact*, That <sup>County organized.</sup> the county of Lake, consisting of towns seventeen, eighteen, nineteen, and twenty north, of ranges eleven, twelve, thirteen, and fourteen west, be and the same is hereby organized into a separate county by the name of Lake, and the inhabitants thereof shall be entitled to all the rights, privileges, and pow-

ers to which by law the inhabitants of the other organized counties of this State are entitled.

Election of  
county  
officers.

Sec. 2. At the township meeting of the several townships in said county, to be held on the first Monday of April next, there shall be an election of all the county officers to which the said county is entitled, whose term of office shall continue until the first day of January, in the year of our Lord one thousand eight hundred and seventy-three, and until their successors shall have been elected and qualified. Said county officers so elected shall, on or before the first day of May next ensuing after such election, take and subscribe the necessary oaths of office and bonds as required by law, with the board of canvassers of said county, and enter upon their duties on the said first day of May, in the year of our Lord one thousand eight hundred and seventy-one.

Board of  
county can-  
vassers.

Sec. 3. That Robert E. Bigbee, Abel M. Gibbs, and James M. Foster, of the town of Chase, in said county, are hereby constituted a board of canvassers for the said county, for the first election of county officers, and are required to meet at the place of holding the township meeting of Chase, in said county, on the second Tuesday next ensuing after said election, whose duty it shall be to canvass the votes of said election and to approve the necessary bonds and administer the oath of office, as is required by law in such cases; and any two of the board shall constitute a quorum for the transaction of business: *Provided*, That if the said board shall fail to meet on the day above named, they may meet on any other subsequent day of the same month.

Proviso.

Sheriff and  
clerk to  
designate  
place for  
circuit  
court, etc.

Sec. 4. The sheriff and county clerk elected under the provisions of this act shall designate a suitable place for the holding of the circuit court in said county, and suitable places for the county offices, which shall be as near as the circumstances will admit, to the county seat established under the provisions of this act; and they shall make and subscribe a certificate in writing described as the place thus designated for holding said

circuit court, which certificate shall be filed and preserved by the county clerk. The place thus designated shall be the place of holding the circuit court of said county.

Sec. 5. The county register of said county shall make, or <sup>Transcript of records.</sup> cause to be made within sixty days after he enters upon the duties of his office, a transcript of all records made in other counties which are necessary to be and appear upon the records of said county of Lake; and the board of supervisors of said county shall, within one year after the first meeting of the said board, make provisions for defraying the expenses of the same.

Sec. 6. The said county of Lake shall be attached to and <sup>County assigned to judicial circuit.</sup> belong to the fourteenth judicial circuit, and the judge of said circuit shall hold courts in said county, as by law in such case made and provided.

Sec. 7. Said county is hereby created and declared a body <sup>Body corporate and politic.</sup> corporate and politic, with all the powers and duties conferred upon or required of organized counties by the constitution and laws of this State.

Sec. 8. The said county of Lake, until fully organized and <sup>Status of county until organized.</sup> officered according to the provisions of this act, shall remain attached to the counties of Mason and Osceola as it now is, for judicial, municipal, and other purposes, and nothing in this act shall in any way interfere with the authority of said counties last named, until the election and qualification of the county officers of said Lake county, as provided in this act.

Sec. 9. The county seat of said county may be located as <sup>Location of county seat.</sup> follows: Those of said electors desiring the location of said county seat to be on the southwest quarter of the southwest quarter of section ten, in town seventeen north, of range eleven west, shall have written or printed upon their ballots the words "Green Dell;" and those of said electors desiring the location of said county seat to be on the northwest quarter of the northwest quarter of section four, in town nineteen

Commis-  
sioners to  
locate same.

north, of range eleven west, shall have written or printed upon their ballots the word "Bismarck;" and those of said electors desiring the location of said county seat to be at any other place than those above mentioned, shall have written or printed upon their ballots the description of the land by government survey, providing said description is not to exceed forty acres; and that place which shall receive a plurality of all the votes cast at such election shall be the county seat of the county of Lake; and James M. Foster, David A. Lathrop, and Joseph G. Rogers are hereby appointed commissioners to locate said county seat, which shall contain at least one acre of land, at the place determined by a plurality of said electors, as provided in this act.

Sec. 10. This act shall take immediate effect.

Approved March 18, 1871.

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[ No. 358. ]

AN ACT to legalize the action of the trustees of the First Baptist Church and Society of Benton Harbor.

Society, etc.,  
declared  
legal.

SECTION 1. *The People of the State of Michigan enact*, That the First Baptist Church and Society of Benton Harbor and the action of the trustees is hereby declared as legal in all respects as it would be, provided said church and society had been organized in accordance with the provisions of law: *Provided*, Two-thirds of the members of said church and society, present and voting at any regular or special meeting called for that purpose, shall by resolution approve and endorse the action of said trustees.

Proviso.

Sec. 2. This act shall take immediate effect.

Approved March 18, 1871.

## [ No. 359. ]

AN ACT to legalize the first charter election held in the village of Plainwell, on the twenty-ninth day of March, in the year of our Lord one thousand eight hundred and sixty-nine; also the acts of the village board, assessor, and marshal of said village for the years eighteen hundred and sixty-nine, eighteen hundred and seventy, eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact, That* Election declared valid. the first charter election held in the village of Plainwell, Allegan county, on the twenty-ninth of March, eighteen hundred and sixty-nine, be and the same is hereby declared to be as valid as it would have been, provided it had been held on the second day of March, eighteen hundred and seventy, instead of the twenty-ninth day of March, eighteen hundred and sixty-nine, and as it would have been, had the proper five days' notice been given as required by section four of said charter of the village of Plainwell.

Sec. 2. All the acts of the village board, assessor, and marshal of said village of Plainwell, for the years eighteen hundred and sixty-nine, eighteen hundred and seventy, and eighteen hundred and seventy-one, are hereby declared to be as legal and valid as they would have been, had the word marshal been inserted in the place of the word assessor, in the twenty-sixth line of section fourteen of the charter of said village of Plainwell. Acts of village officers declared valid.

Sec. 3. This act shall take immediate effect.

Approved March 18, 1871.

## [ No. 360. ]

AN ACT to create a fire commission in the city of Detroit.

SECTION 1. *The People of the State of Michigan enact, That* Fire commission constituted. all the powers and duties connected with and incident to the government and discipline of the fire department of the city

of Detroit shall be, as hereinafter more especially provided, vested in and exercised by a board, composed of four commissioners, a majority of whom shall constitute a quorum for the transaction of business.

Commissioners and terms of office.

Sec. 2. There are hereby appointed as such commissioners Theodore H. Hinchman, who shall hold his term of office until the first day of April, eighteen hundred and seventy-one; William Duncan, who shall hold his term of office until the first day of April, eighteen hundred and seventy-two; Lucretius H. Cobb, who shall hold his term of office until the first day of April, eighteen hundred and seventy-three; and Benjamin Vernor, who shall hold his office until the first day of April, eighteen hundred and seventy-four; and every commissioner appointed at the end of said terms shall hold his office for four years, or until his successor is appointed, except in cases of death, resignation, or removal; and all successors shall be appointed by the common council on the nomination of the mayor.

Council may remove commissioners.

Sec. 3. Any member of said board of commissioners may at any time be removed by a vote of two-thirds of the members elect of the common council of said city, for sufficient cause, and the proceedings in that behalf shall be entered on the journal: *Provided*, That the said common council shall previously cause a copy of the charges preferred against such member sought to be removed, and notice of the time and place of hearing the same, to be served on him ten days at least previous to the time so assigned, and opportunities be given him to make his defense personally and by counsel.

Proviso.

Qualification of commissioners.

Sec. 4. Immediately after their appointment, such commissioners shall meet in the office of the city comptroller of the city of Detroit, and file with the comptroller the oath of office prescribed for the city officers, and the comptroller shall give to each a certificate of appointment for the respective terms of office aforesaid.

Sec. 5. Said commissioners, on being qualified, shall meet <sup>Organization of board.</sup> and organize by electing one of said commissioners to be president, and appointing a person to be secretary; whereupon they shall possess and have the power and authority conferred upon or possessed by any and all persons in the city of Detroit for the prevention and extinguishment of fires, and to the exclusion of all such persons, together with such other powers and duties in said city as are hereinafter conferred.

Sec. 6. Such commissioners shall take and have, as provided <sup>Powers and name of board.</sup> by this act, control and management of all officers, men, property, measures, and action for the prevention and extinguishment of fires within the said city, to be organized as herein provided, and to be known as the "Fire commission of the city of Detroit."

Sec. 7. The said fire commission is hereby empowered and <sup>To have entire control of the extinguishment of fires</sup> directed to possess and exercise fully and exclusively all the powers and perform all the duties for the government, management, maintenance, and direction of the fire department of the city of Detroit, and the premises and property thereof, which at the time of the organization of the said commission were possessed by or under the control of the common council of said city, and the officers of the fire department of said city or the officers or employes of said city, said powers and duties to be performed and exercised and said property used in the said city or otherwise, as hereinafter provided. And the said commission shall hereafter have sole and exclusive power and authority to extinguish fires in said city of Detroit, and all acts conferring upon any other officer and officers any power in relation to the extinguishment of fires in said city are hereby repealed.

Sec. 8. It shall be the duty of the board of commissioners, <sup>Board to provide all necessary apparatus.</sup> subject to the provisions of this act, to provide in and for said city all needed supplies, horses, tools, implements, engines, and apparatus of all kinds for the extinguishment of fires; to provide fire telegraphs, to select suitable locations for engine-

houses, reservoirs, and fire-hydrants, and to buy and sell the same in their discretion; and also to construct, repair, and maintain engine-houses, reservoirs, and fire-hydrants, as they shall judge best when, and so long as the construction, repairs, and maintenance thereof are not otherwise by law committed to another board, and to take all such actions in the premises as may be necessary and proper for carrying into effect the duties herein required.

To control  
all property  
pertaining  
to fire de-  
partment.

Sec. 9. The commission hereby created is hereby empowered and directed to possess and exercise full and exclusive power and discretion for the government, management, and direction of the several buildings, premises, and property, and appurtenances thereto, and all apparatus, hose, implements, and tools of any and all kinds, which, at the time of the appointment of the commissioners aforesaid, shall be under the charge and control of any and all city officers, or officers of the fire department in said city, for the use and benefit of the fire department of the city of Detroit; and it shall be the duty of any and all persons in possession of any property, real or personal, belonging to or set apart for, or in use by or for the fire department of said city, to deliver the same to the possession and control of the said commission.

Vacation of  
office.

Sec. 10. Any one of said commissioners shall be considered as vacating his term of office in the event of his accepting or holding any political office, and any commissioner who shall, during the term of his office, be publicly nominated for any office elective by the people, and shall not decline the said nomination within ten days succeeding notice of the same, shall in either case be deemed to have vacated his office.

Annual  
financial  
estimate.

Sec. 11. It shall be the duties of the commissioners to prepare and submit to the common council on or before the first day of May in each year, an estimate of the whole cost and expense of providing for and maintaining the fire department of said city, within the current fiscal year, which estimate shall be in detail, specifying the objects of expenditures, the



sums desired for each, and the reasons for the same. Such estimates, or so much thereof as the common council shall approve, shall be submitted to the approval of the citizens of said city, at a meeting required by law for the approval of certain annual taxes voted by said common council; and so much of said estimates as shall be approved by said citizens' meeting shall be placed upon the general or other proper assessment rolls, and shall be assessed, levied, and collected the same as other city taxes. Said money when collected shall be paid into the city treasury, and shall be styled the "Detroit fire commission fund," and shall be drawn out therefrom for the purposes of said commission. Under the fiscal regulations established by this act, the city treasurer for the time being is hereby appointed treasurer of the fire commission board, who shall on check or voucher duly disburse said fund by order of such commissioners, for the purposes of this act, and paid over to the treasurer appointed by said commissioners for disbursement under their direction.

Same to be  
submitted  
to electors.

Name of  
fund.

Sec. 12. All moneys hereafter to be paid to any person or persons out of the fire commission fund shall be certified by the president or acting president of said commission to the secretary, who shall draw his warrant on the treasurer therefor, stating therein the fund to which it is chargeable and the person to whom payable; and such warrant shall be countersigned by the president, or in his absence by the acting president of the fire commission; and the city treasurer shall pay said warrant.

Money paid  
only on  
warrant.

Sec. 13. Said commissioners shall provide such offices and business accommodation for the transaction of their business, and that of their subordinates, in said city of Detroit, as shall be necessary. They shall have the power to select a chief and one or more assistant engineers, one of whom, to be designated by the commissioners, shall discharge the duty of fire marshal, who may be allowed proper compensation, together with engineers, foremen, drivers, pipemen, firemen, and other officers

Board to  
furnish  
offices, etc.

Proviso.

that may be necessary for the efficient working of said department: *Provided*, That the number of men to each fire-engine or hook-and-ladder company shall not exceed twelve, who shall discharge such duties as may be designated, and be at all times under the control of and subject to removal by said commissioners: *Provided further*, That the salary of the chief engineer and assistant engineers shall not exceed two thousand dollars per annum; the salaries of engineers of steam engines shall not exceed one thousand one hundred dollars per annum; the salaries of supply-men and foremen shall not exceed nine hundred dollars; the salary of the secretary of said board shall not exceed one thousand dollars per annum, and the salary of no other member of said force shall exceed eight hundred dollars per annum.

Proviso relative to salaries of officers.

Fire department to have right of way.

Sec. 14. The aforesaid officers and men, with their apparatus of all kinds, when on duty shall have the right of way going to and at any fire, or in any highway, street, or avenue, over any and all vehicles of any kind, except those carrying the United States mail; and any person in or upon, or owning any vehicle, who shall refuse the right of way, or in any way obstruct any fire apparatus, or any of said officers while in the performance of duty, shall be guilty of a misdemeanor, and be liable to punishment for the same.

All property to be transferred to commission.

Sec. 15. On and after the organization of the commission, all real estate, fire apparatus, hose, implements, tools, bells and bell towers, fire telegraph, and all property of whatever nature then or therefore in use by the firemen or fire department of the city of Detroit, belonging to said city, shall be transferred by all persons having charge of the same to the keeping and custody of the fire commissioners hereby created, and for the use thereafter of said commissioners; but the said property shall remain the property of the mayor, aldermen, and common council of the city of Detroit, subject to the public uses of the said commissioners, as aforesaid, and for the purposes provided by this act.

Sec. 16. Said commissioners shall receive no compensation No compensation to commissioners. whatever for their services, but all persons employed by them as firemen shall be exempt from military and jury duty while so employed.

Sec. 17. The commission hereby created may adopt a common seal and direct its use, and in the name of its president may institute and maintain suits and proceedings at law and in equity, and may pay any costs, expenses, or judgments therein, for the enforcement of its rights and contracts, and for the protection, possession, and maintenance of the property under its control, and may also, in like manner, sue for, and shall have exclusive right to recover, the fines and penalties mentioned in or imposed by the city ordinances for the more effective prevention of fires and the better protection of life and property in the city of Detroit; and all sums recovered shall be for the benefit of the funds of said commission. Legal rights and powers.

Sec. 18. All cisterns and fire-hydrants belonging to or now in use by the fire department of the city of Detroit, are hereby transferred to the control of said commission, and it shall be competent for said commissioners at any time in their best judgment to send any steam fire or other engine with hose and apparatus, to the relief of any community in the vicinity of said city. Cisterns, etc., transferred to board.

Sec. 19. The office of fire marshal, as now existing in said city of Detroit, is hereby declared to be abolished from and after the organization of said commission, and the duties thereof transferred to the person who shall be designated therefor, as provided in section fourteen of this act. Office of fire marshal as now existing abolished.

Sec. 20. All acts and parts of acts contravening the provisions of this act are hereby repealed, but such repeal shall not take effect until the actual organization of the commission hereby created, and provided that nothing herein contained shall affect the rights of the corporation known as the fire department of the city of Detroit, organized January twen- Contravening acts repealed.

tieth, eighteen hundred and forty, under its act of incorporation, and acts amendatory thereof.

Rules, etc.,  
for govern-  
ment of  
force to be  
made by  
board.

Sec. 21. Said board shall have power to adopt such rules and regulations for the government of the force created by this act, as they shall deem fit and proper, not inconsistent with the laws of this State and the violation of such rules and regulations shall be sufficient and good cause for dismissal from the force.

Annual  
report.

Sec. 22. The board of commissioners shall, on or before the first Monday in April in each year, report, in writing, the condition of the fire department within the said city to the common council, together with a list of fires, alarms, losses, and insurances on all property destroyed during the year.

Council to  
order levy  
and collec-  
tion of tax  
for fire  
department.

Sec. 23. The common council of Detroit is hereby empowered and directed, annually to order and cause to be collected and raised by tax upon the estates, real and personal, subject to taxation according to law, within the said city of Detroit, the sums of money, as aforesaid, annually estimated for the said total expense of the said fire department, authorized by this act.

Books, etc.,  
open to in-  
spection.

Sec. 24. The books and accounts kept by said board shall at all times be subject to the inspection of the mayor and controller; and the common council may, at any time, require any information respecting the same, the disclosure of which will not impair the usefulness and efficiency of the fire department.

Sec. 25. This act shall take immediate effect.

Approved March 18, 1867.

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[ No. 361. ]

AN ACT to organize the township of Winterfield, in the county of Clare.

Township  
organized.

SECTION 1. *The People of the State of Michigan enact, That township twenty north, of range five west, and township,*

nineteen and twenty north, of range six west, are hereby organized into a separate township by the name of Winterfield, and the first township meeting therein shall be held at the house of Sylvester Hill, in said township, on the first Monday in April next; which township so organized, and the citizens thereof, shall be entitled to all the rights, privileges, and immunities of other organized townships of the State.

Sec. 2. John B. Prescott, Sylvester Hill, and Hollis L. Hilton are hereby appointed inspectors of election at the first township meeting, each of whom shall take the oath of office prescribed in the constitution.

Sec. 3. If, for any reason, said township election shall not be held at the time herein appointed, it shall be lawful to hold the same at such time and place in said township as may be designated by said board of inspectors, on giving at least ten days' notice thereof in four of the most public places in said township, which notice the said board of inspectors are hereby authorized and required to give.

Sec. 4. This act shall take immediate effect.

Approved March 18, 1871.

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[ No. 362. ]

AN ACT to organize the township of Surrey, in the county of Clare.

SECTION 1. *The People of the State of Michigan enact*, That townships number seventeen, eighteen, and nineteen north, of range five west, and township number seventeen and eighteen north, of range six west, are hereby organized into a separate township by the name of Surrey, and the first township meeting therein shall be held at the house of H. A. Bubaker in said township on the first Monday in April next, which township, so organized, shall be entitled to all the rights, privileges and immunities of other organized townships of this State.

Inspectors  
of same.

Sec. 2. Benjamin F. Crawford, H. A. Bubaker, and Geo. L. Hitchcock are hereby appointed inspectors of election at the first township meeting in said township, and each of them shall take the oath of office prescribed in the constitution.

Of failure to  
hold election  
at specified  
time.

Sec. 3. If, for any reason, said township meeting shall not be held at the time herein appointed, it shall be lawful to hold the same at such time and place in said township as may be designated by said board of inspectors, on giving at least ten days' notice thereof, in four of the most public places in said township, which notice the said board of inspectors are hereby authorized and required to give.

Sec. 4. This act shall take immediate effect.

Approved March 18, 1871.

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[ No. 363. ]

AN ACT to extend the time for the collection of taxes for the year eighteen hundred and seventy, in the city of Jackson, in the county of Jackson.

Time for  
collection  
extended.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the city of Jackson, in the county of Jackson, for the year eighteen hundred and seventy, is hereby extended to the first day of April next.

Warrant  
continued.

Sec. 2. The treasurer of the city of Jackson aforesaid is hereby authorized and empowered to proceed and collect said taxes in the same manner as during the lifetime of his warrant, and to make returns to the county treasurer on or before the first day of April next; and his warrant is hereby continued in full force and virtue for the purpose aforesaid, until the said first day of April next: *Provided*, [That] he shall first renew his official bond to the satisfaction of the treasurer of the said county of Jackson.

Return of  
unpaid taxes

Sec. 3. A transcript of all unpaid taxes returned to the county treasurer in pursuance of the foregoing provisions shall be

returned to the Auditor General as soon as practicable; and such unpaid taxes shall be collected in the same manner, and with interest computed for the same time, as other taxes for the year eighteen hundred and seventy duly returned to the Auditor General for non-payment.

Sec. 4. This act shall take immediate effect.

Approved March 18, 1871.

[ No. 364. ]

AN ACT to provide for the superintendence and care of the Portsmouth town-line plank road in Bay county.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Superintendents appointed.</sup> Appleton Stevens and William Daglish be and are hereby authorized to take charge of and have the superintendence of said Portsmouth town-line plank road in Bay county.

Sec. 2. That the provisions of an act to provide for the for- <sup>Laws to apply to this road.</sup> mation of companies to construct plank roads, approved April eighth, eighteen hundred and fifty-one, and other existing statutes in reference to plank roads, as far as applicable, shall apply to said road.

Sec. 3. Said superintendents shall cause suitable toll-gates <sup>Toll-gates and tolls.</sup> to be erected along said road, and have toll collected as provided by law for other plank roads; and the toll thus collected, after defraying necessary expenses, shall be used in keeping said road in repair.

Sec. 4. The superintendents herein named are authorized <sup>Vacancies.</sup> to fill any vacancy that may occur in their number, and their successors may do likewise: *Provided, That* in case of vacancy <sup>Proviso.</sup> the township board of the township of Portsmouth may fill the same by appointment at any time within ten days after such vacancy occurs.

Expense of  
road as-  
signed to  
townships.

Sec. 5. All that portion of the said plank road that lies on the dividing line between the townships of Portsmouth and Hampton is hereby made a charge upon said township of Portsmouth for construction and repairs, and the proper township officers of said township of Portsmouth, and the superintendents herein named, and their successors, shall have exclusive control of said portion of said plank road.

Annual re-  
port of  
superintend-  
ents.

Sec. 6. The superintendents herein named and their successors in office shall make an annual report of their doings and the receipts upon said road, and file a copy thereof with the clerk of the township of Portsmouth, and also a copy with the clerk of the supervisors of Bay county.

Superin-  
tendents to  
give security

Sec. 7. The superintendents herein named, and their successors, before entering upon the duties imposed by this act, shall give security satisfactory to the township board of the township of Portsmouth, for the faithful performance of the duties imposed upon them by this act.

Sec. 8. This act shall take immediate effect.

Approved March 18, 1871.

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[ No. 365. ]

AN ACT to authorize the city of Manistee to issue its bonds for the purchase of a steam fire-engine.

Issue of  
bonds au-  
thorized.

SECTION 1. *The People of the State of Michigan enact*, That the city of Manistee is hereby authorized, in accordance with the provisions of the charter of said city, to issue the bonds of said city, for an amount not exceeding the sum of eight thousand dollars, in such denominations, and running for such length of time, as the common council of said city may determine, for the purpose of purchasing a steam fire-engine for the use of said city.

Purpose.

Sec. 2. This act shall take immediate effect.

Approved March 18, 1871.



[ No. 366. ]

AN ACT appropriating four sections of State swamp land to complete the Port Sanilac and Tuscola State road.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Swamp land appropriated</sup> to secure the completion of the Port Sanilac and Tuscola State road, being that part of said road beginning at or near the center of section thirty-six, in town twelve north, (of) range twelve east, and running west four miles, there be and is hereby appropriated four sections of State swamp land now in market, to be expended under the direction of the Swamp Land State Road Commissioner, in pursuance of act number one hundred and seventeen, of the session laws of eighteen hundred and fifty-nine, and the acts amendatory thereof.

Sec. 2. This act shall take immediate effect.

Approved March 20, 1871.

[ No. 367. ]

AN ACT to repeal act number fifty-two, session laws eighteen hundred and forty-six, entitled "An act to authorize Amos Bronson and Elisha Doan to erect a dam across the St. Joseph river, in the county of St. Joseph," approved April seventh, eighteen hundred and forty-six, and to authorize Edwin Stewart, Lewis B. Lyman, Hosea Barneby, Abram A. Voorhees, and Gershom P. Doan to erect and maintain a dam across the St. Joseph river, in the county of St. Joseph.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Act repealed</sup> act number fifty-two, of the session laws of eighteen hundred and forty-six, being an act entitled "An act to authorize Amos Bronson and Elisha Doan to erect a dam across the St. Joseph river, in the county of St. Joseph," approved April seventh, eighteen hundred and forty-six, be and the same is hereby repealed.

Construction of dam authorized.

Sec. 2. That it shall be lawful for Edwin Stewart, Lewis B. Lyman, Hosea Barneby, Abram H. Voorhees, and Gershom P. Doan, their heirs and assigns, and they are hereby authorized and empowered, to erect and maintain a dam, not exceeding five feet in height above common low-water mark, across the St. Joseph river, on section twenty-six, in township five south, of range ten west, in the county of St. Joseph:

Proviso.

*Provided*, That nothing in this act shall be construed to conflict with the provisions of act number three hundred and twenty-eight, of the session laws of eighteen hundred and sixty-five, approved March twenty-first, eighteen hundred and sixty-five.

Restrictions on height of dam.

Sec. 3. Nothing herein contained shall be construed to authorize the persons named in section two of this act, to raise the water in said river so high as to injure or interfere with any dam previously erected on said river, above said section twenty-six, so long as the same shall be kept up for use as a water-power.

Sec. 4. This act shall take immediate effect.

Approved March 22, 1871.

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[ No. 368. ]

AN ACT to incorporate the union school district of the city of Owosso.

School district organized.

SECTION 1. *The People of the State of Michigan enact*, That the territory now embraced within fractional union school district number one, Owosso and Caledonia, shall constitute a single school district, and shall be known and designated as "Union school district of the city of Owosso," and such district shall have all the powers and privileges conferred upon school districts by general law, and, in addition thereto, such powers and privileges as are hereinafter conferred by this act.

Sec. 2. At the annual meeting of the said district, to be held on the first Monday in September, in the year one thousand eight hundred and seventy-one, the qualified voters thereof shall elect, by ballot, two trustees for the term of three years who, with four trustees holding over, will constitute a board of six; and annually thereafter, in the same manner, they shall elect two trustees, who shall hold their office three years and until their successors shall have been elected and qualified.

Sec. 3. Within ten days after such annual meeting, the board of trustees shall meet and elect from their own number, a president, secretary, and treasurer, who shall severally hold their offices for the term of three years and until their successors are duly elected, and whose powers and duties shall be the same as those conferred upon and required of the moderator, director, and assessor of school districts in this State, except so far as the same are varied by this act, and shall be *ex officio* school inspectors of said district, with powers and duties of school inspectors of townships, and shall make their reports to the superintendent of schools of the county of Shiawassee. Said board of trustees shall have power to fill any vacancies which may occur in their number, until the next annual meeting of the district. Said board of trustees shall, before hiring any teacher, examine into his or her qualifications; and all teachers employed by said board shall be legally qualified teachers, without further examination by school inspectors.

Sec 4. Said board shall have power,—

*First.* To appoint a superintendent of schools, and to define his powers and duties;

*Second.* To hire all necessary teachers, and to fix the amount of compensation for such services;

*Third.* To classify and grade the several schools, and determine the ages, qualifications, and terms for admission thereto, and the conditions for remaining therein, and which schools or departments scholars shall attend;

*Fourth.* To make such rules and by-laws as they may deem necessary for the preservation of the district, for the government of the schools thereof, and in reference to all other matters connected therewith;

*Fifth.* To adopt courses of study, and text-books;

*Sixth.* And to levy and collect such sums as they may deem proper for the tuition of each and every scholar taught in said schools, who is not actually a resident of the district.

**School tax.** Sec. 5. The qualified voters of said district may, by a majority vote of those present and voting at any annual meeting, or at any special meeting called for such purposes, raise by tax upon the taxable property in said district such sum or sums as shall be necessary to purchase lots, build school-houses and furnish the same, provide apparatus and fuel, establish and maintain a district library, pay for repairs and all incidental expenses, and make the several schools of the district free of tuition, in all English branches, to the resident scholars thereof, and may authorize the board of trustees to borrow money, on the bonds of the district, for such terms of years, and at such rate of interest, not exceeding ten per cent per annum, as the meeting may direct, for the purpose of building school-houses and making additions thereto, or for the payment of bonds to become due: *Provided*, That such indebtedness shall at no time exceed fifty thousand dollars.

**Borrowing of money.**

**Proviso.**

**Treasurer to give bonds.** Sec. 6. The treasurer of said district shall give bonds in such sum as the board of trustees shall annually direct, and shall have power, in the name of the district, to collect all moneys due for tuition of scholars who are not actual residents thereof, or for tuition of resident scholars in such branches and studies as the board of trustees shall make chargeable against them, and for any damage done to the property of the district, by suit at law, under the direction of the board of trustees.

**District library.** Sec. 7. The district board shall establish and maintain a district library.

Sec. 8. The board of trustees shall require the secretary to <sup>Duties of secretary of board.</sup> keep a record of its proceedings, and of the rules and by-laws it may from time to time enact, and shall cause the rules and by-laws it shall make for the government of the schools, and also notice of their alteration or repeal, to be published for one week in at least one paper printed and circulated in the city of Owosso.

Sec. 9. Any person elected to the office of trustee of said district, who, without sufficient cause, shall neglect or refuse to accept such office and discharge the duties thereof, shall forfeit for the use of the district library the sum of ten dollars: *Provided*, That no person shall be compelled to serve <sup>Of failure of trustee to accept the office.</sup> two terms successively; and said board of trustees shall have power to make all needful rules and regulations relative to its proceedings. <sup>Proviso.</sup>

Sec. 10. Said school district hereby organized shall succeed to and be entitled to demand and receive all moneys and other rights, of whatever nature, belonging to the present fractional union school district number one of Owosso and Caledonia, and all real and personal property situate in said fractional union school district number one of Owosso and Caledonia, hitherto belonging thereto, shall by force of this act become the property of said union school district of the city of Owosso, hereby organized; and all debts and liabilities of said fractional union school district number one in Owosso and Caledonia shall become the debts and liabilities of said union school district of the city of Owosso, hereby organized. <sup>District to succeed to moneys, rights, etc., of former district.</sup>

Sec. 11. Said board shall have power to establish a high <sup>High school.</sup> school and prescribe the course of study for the same, and to grant certificates of scholarship, in such form as said board <sup>Certificate of graduation.</sup> shall deem proper, to pupils completing satisfactorily said course of study.

Sec. 12. This act shall take immediate effect.

Approved March 22, 1871.

[ No. 369. ]

AN ACT to provide for holding the annual township meeting in the township of Marquette in the county of Marquette, for the year eighteen hundred and seventy-one.

Place and  
date of hold-  
ing.

SECTION 1. *The People of the State of Michigan enact, That* the next annual township meeting to be held in the township of Marquette, on the first Monday of April, in the year of our Lord eighteen hundred and seventy-one, shall be held at the school-house in school district number two of said township.

Inspectors  
of election.

Sec. 2. The electors assembled at the place aforesaid at the time for opening the polls shall choose inspectors of election, who shall appoint a clerk in the manner prescribed by law in cases where the inspectors of election do not attend at the opening of the polls.

County  
clerk to give  
notice of  
election.

Sec. 3. It shall be the duty of the county clerk of said county to give notice of the time and place of holding said election five days before the day of holding the same, by posting written notices thereof in three public places in said township: *Pro-  
vided*, That the failure to give such notice shall not invalidate said election.

Proviso.

Sec. 4. This act shall take immediate effect.

Approved March 23, 1871.

[ No. 370. ]

AN ACT to provide for paying the expense of certain ditches made under the drain laws in Saginaw county.

Claims to be  
paid from  
general  
drainage  
fund.

SECTION 1. *The People of the State of Michigan enact, That* all orders for the payment of money heretofore drawn by persons acting as drain commissioners, or commissioners of the county of Saginaw, for or on account of labor, official services, or contracts made for the construction of ditches in said county under color of drain laws, act No. two hundred and six-

teen, laws eighteen hundred and sixty-one, act number one hundred and twenty-seven, laws of eighteen hundred and sixty-seven, act No. forty-three, laws of eighteen hundred and sixty-nine, as well as all such orders as shall be hereafter drawn for construction of such ditches now under contract, and all other like orders, however drawn, which have been issued under direction of the board of supervisors of said county, under act No. four hundred and five, of the laws of eighteen hundred and sixty-nine, shall be treated as orders drawn on a general drainage fund of said county and be provided for and paid as provided in this act; and all claims for official services of the drain commissioner under said drain laws, adjusted by said board of supervisors, shall be payable out of the same general drainage fund, also all claims of the towns and cities of the county for contributions paid by them for the construction of certain ditches, under act four hundred and five, laws of eighteen hundred and sixty-nine, which claims shall first be adjusted by the board of supervisors; and the clerk of said county shall sign and issue, Issue of drain orders and the chairman of said board shall countersign, orders, on the request of the persons entitled thereto, for such amounts as have been so adjusted, and for which no orders have been made, which last mentioned orders shall be marked "Drain orders."

Sec. 2. Said orders shall be payable: Fifty per cent thereof Payment of same. after the return of the tax-rolls containing the taxes for the year one thousand eight hundred and seventy-one, and the remaining fifty per cent after the return of the tax-rolls containing the taxes for the year one thousand eight hundred and seventy-two; and said orders shall be receivable for fifty per cent of the ditch taxes levied on account of the same, as hereinafter provided. None of said orders shall be payable nor redeemed after the return of said tax-rolls for eighteen hundred and seventy-one until the county treasurer shall give notice for the presentation thereof, nor until the time notified for

Notice of  
payment.

such presentation. Immediately after the return of all the tax-rolls for said year last mentioned, containing the taxes levied on account of said orders, the county treasurer shall ascertain the amount collected in such orders for taxes, and publish a statement thereof and of the total amount of the fifty per cent of said orders receivable for said taxes and payable on the return of said tax-rolls, and a notice that drain orders first presented at his office on and after a day certain, therein to be stated, to the amount of such fifty per cent, including those received for taxes, will at once become payable out of the general drainage fund of said county. Said statement and notice shall be published for three successive weeks before the day specified for the presentation of such orders, in some newspaper printed in said county.

Supervisor  
to ascertain  
amount due.

Same to be  
apportioned  
among  
townships,  
etc.

Sec. 3. At the next meeting of the board of supervisors they shall ascertain the total cost and expenses of the ditches made and being made under said drain laws, including the sums that will be payable on the completion of pending contracts, and the total amount thereof remaining unpaid. The said board shall have power, and it is made their duty, to apportion said unpaid sum to and among the several townships in which said ditches are severally located, and such other neighboring townships and wards in cities, or parts of townships and wards, as said board shall determine to be particularly benefited by the same, and to determine the ratable proportion of the amount necessary to pay said orders to be raised by each; and for this purpose said board shall designate separately the territory that shall be taxed in respect to each ditch, and the amount to be raised therein on account of said orders, and shall provide for levying the same on the taxable property within such territory in proportion to the benefit they shall deem the proportion therein to derive from such ditch; but such apportionments shall be so made that each township and ward, as well as each parcel of land and tax-payer that has heretofore paid any tax, not refunded, on account of any ditch,



shall have full credit therefor, to the end that they shall respectively be taxed to pay no more than their relative proportion of the entire expense of such ditch or ditches as they are taxed for. In making such apportionment and levying such taxes, lands granted to aid in the construction of railroads, so far as said lands may be benefited by any such ditch, shall be included and listed or assessed to the railroad company on which the grant including such lands has been conferred. And all State lands that have been sold, but not patented to the purchaser, whether the same is "full-paid," or "part-paid" lands, may be assessed and taxed as real estate for the purposes of this act to the purchaser or occupant, and if the tax on the same shall not be paid by or collected from the purchaser or occupant, the supervisor shall certify to the Commissioner of the State Land Office the description of such piece or parcel of land with the name of the person to whom such tax was assessed as owner or occupant, and the amount of such unpaid tax. And the Commissioner of the State Land Office shall thereupon charge the amount of such tax upon such description of land, and shall, in case of full-paid lands, require payment thereof by such purchaser before delivering a patent therefor. And in case such purchaser shall refuse or neglect for six months to pay said taxes, with the interest and penalty as by law attaches to other delinquent taxes, said Commissioner shall sell the same in like manner as lands are sold upon forfeiture for non-payment of principal or interest, and out of the proceeds to pay the amount of the taxes aforesaid, with the interest thereon, to the treasurer of the county of Saginaw. And in case of taxes charged in like manner upon part-paid lands, if the purchaser shall, for six months after such return by the supervisor to said Commissioner of such taxes as aforesaid, neglect or refuse to pay the same to said Commissioner, said Commissioner, if the interests of the State permit, shall sell the same as for a forfeiture for the non-payment of the principal or interest on the purchase of such lands, for the full

Railroad grant lands and unpatented State lands not exempt from ditch tax.

Unpaid tax on unpatented State lands.

Commissioner of the Land Office to charge same against land and require payment before issuing patent.

Unpaid taxes on "part paid" State lands to work for forfeiture.

amount of the unpaid purchase money and interest thereon, together with the taxes aforesaid and the interest and penalty thereon, if such amount can be obtained therefor, but if not, for the best price that can be obtained; and out of the proceeds he shall first pay the full amount due the State, and the remainder, if any, to the county treasurer of the county of Saginaw.

Spreading  
of ditch tax  
on roll.

Sec. 4. The board of supervisors at their annual meetings in the years one thousand eight hundred and seventy-one and one thousand eight hundred and seventy-two, respectively, shall include in the amounts required to be raised for county purposes fifty per cent of said orders and certify the same to the supervisors according to the apportionment required by the preceding section, distinguishing the amounts apportioned to be raised in each township or other taxing district, for said orders, from other sums required to be raised for county purposes, and directing the same to be extended in the tax-rolls in a separate column headed "General ditch tax," and shall certify also the parcels of land and tax-payers, if any, that are entitled to partial exemption from taxation on account of said orders by reason of having previously paid taxes on account of such ditches, specifying the extent of such exemptions. The supervisors or other officers charged with the duty of extending the taxes on the tax-rolls shall levy the taxes according to the direction of said board of supervisors and in such manner as to give effect to such exemptions, and the moneys collected for such taxes shall be kept separate by the county treasurer as a general drainage fund for the payment of said orders.

Delinquent  
ditch taxes.

Sec. 5. All the taxes assessed under this act which shall be returned delinquent shall, with all the interest thereafter accruing thereon, belong to the said general drainage fund of said county, and an account thereof shall be kept separate on the books of the county treasurer and Auditor General; and all such taxes paid to said treasurer or Auditor General, or received

on sale of the lands returned delinquent for non-payment of such taxes, shall be paid over to said county treasurer, and applied by him exclusively to the payment of said orders.

Sec. 6. All the general provisions of law relating to the collection and paying over of other taxes for county purposes, and to the return of lands delinquent therefor, and for adding interest and other charges, and for payment thereof afterwards, or, in default thereof, for sale, redemption, and deeding of the lands charged with such taxes, and the effect of such deeds, shall apply to the taxes and the proceedings to sell the lands taxed under this act. Taxes to be collected under provisions of general law.

Sec. 7. If, for any cause, the levy of any of the taxes authorized by this act to be levied shall be delayed, or such taxes set aside by judicial proceedings, or rejected by the Auditor General, or fail to be levied, it shall be the duty of the board of supervisors to cause the same to be re-assessed the following year on the same lands if the same can be ascertained by sufficient description, and if the tax cannot be so recovered the same shall be re-assessed under the direction of said board on the same lands that are liable according to the provisions of this act. Taxes set aside, etc., to be re-assessed.

Section 8. This act shall take immediate effect.

Approved March 23, 1871.

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[ No. 371. ]

AN ACT to organize the township of Holton, in the county of Muskegon.

SECTION 1. *The People of the State of Michigan enact,* Township organized.  
That township number twelve north, of range fifteen west, in the county of Muskegon be, and the same is hereby organized into a separate township, by the name of Holton.

First  
election.

Sec. 2. The first election in said township shall be held at the house of J. A. Lockwood, on the first Monday of April, eighteen hundred and seventy-one, which said election shall be conducted according to the statutes in such cases made and provided; and Nathan Cunningham, John Stockwell, and Daniel Sutton are hereby constituted and appointed inspectors of said election.

Inspectors  
of same.

Of failure to  
hold election  
at specified  
time.

Sec. 3. If, for any reason, the township meeting should not be held at the time named, it shall be lawful to hold the same on any day thereafter, by giving at least ten days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which the said board of inspectors are hereby authorized and required to do.

Sec. 4. This act shall take immediate effect.

Approved March 23, 1871.

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[ No. 372. ]

AN ACT to organize the township of Henderson, in the county of Wexford.

Township  
organized.

SECTION 1. *The People of the State of Michigan enact*, That township number twenty-one north, of ranges eleven and twelve west, in the county of Wexford, be and the same is hereby organized into a separate township, by the name of Henderson.

First  
election.

Sec. 2. The first election in said township shall be held at the house of Thomas S. Henderson, on the first Monday of April, eighteen hundred and seventy-one, which said election shall be conducted according to the statutes in such cases made and provided; and Thomas S. Henderson, Hiram Owens, and Hall Cross are hereby constituted and appointed inspectors of said election.

Inspectors  
of same.

Sec. 3. If, for any reason, the township meeting should not be held at the time named, it shall be lawful to hold the same on any day thereafter, by giving at least ten days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which the said board of inspectors are hereby authorized and required to do.

Sec. 4. This act shall take immediate effect.

Approved March 23, 1871.

[ No. 373. ]

AN ACT to provide for the organization of the county of Schoolcraft.

SECTION 1. *The People of the State of Michigan enact, That* the county of Schoolcraft shall be detached from the county of Marquette, and organized into a separate county, to be known as the county of Schoolcraft; and the inhabitants thereof shall be entitled to all the rights and privileges of the inhabitants of other organized counties in the State.

Sec. 2. The county seat of said county of Schoolcraft shall be located by the board of supervisors of said county.

Sec. 3. The county clerk shall provide a suitable seal and all necessary books for the use of the circuit court for said county; and the sheriff shall provide a suitable place for holding said court, at the expense of said county, until a suitable place for holding such court is provided by the board of supervisors of said county.

Sec. 4. Said county shall remain part of the Representative district now composed of the counties of Marquette, Schoolcraft, Delta, and Menominee, and of the thirty-second Senatorial district, and of the sixth Congressional district, and of the twelfth judicial circuit, until otherwise provided by law.

The judge of said circuit shall fix the time for holding the circuit court for said county on or before the first day of July next. The sheriff and county clerk of said county shall designate, in writing, the place where said circuit court shall be held, and such designation shall be filed with said clerk, and the same shall remain so fixed until changed by said board of supervisors.

Election of  
county offi-  
cers.

Sec. 5. At the election to be held on the first Monday of April next, the several county officers of said county of School-

Election and  
canvass of  
same.

craft shall be elected. Such election of such officers, and the canvass thereof, shall be conducted in the manner prescribed

Proviso.

by law: *Provided*, That the county canvass of such election shall be held at the office of the township clerk of the township of Onota, on the Monday next succeeding such election;

Qualification  
of officers  
and terms of  
office.

and the officers so elected shall qualify and enter on the duties of their respective offices on or before the fifteenth day of April, eighteen hundred and seventy-one, and shall hold their several terms of office until the first day of January, eighteen hundred and seventy-three, and until their successors shall have been elected and qualified.

Sec. 6. This act shall take immediate effect.

Approved March 23, 1871.

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[ No. 374. ]

AN ACT to organize the township of Onota, in the unorganized county of Schoolcraft.

Township  
organized.

SECTION 1. *The People of the State of Michigan enact*, That all that part of said unorganized county of Schoolcraft embraced within the west half of range number nineteen (19), and ranges numbers twenty (20), twenty-one (21), twenty-two (22), and twenty-three (23) west, and the island of Grand Island, is hereby detached from the township of Munising, in said county, and created into a new township, to be known as and styled the township of Onota.

Sec. 2. The first election in said township of Onota shall be held at the office of the Bay Furnace Company, in said township, on the first Monday in April next. The electors present at the opening of the polls shall choose three of their number inspectors of said election, who shall take the constitutional oath of office as required by law, which oath may be administered by any person authorized to administer oaths; and said election shall be held and conducted in the same manner, as near as may be, as is now provided for holding township elections under the laws of this State.

Sec. 3. If, for any reason, it shall be impracticable to hold said election at the place herein designated therefor, it shall be lawful for the electors assembled at or as near as may be to such place, to adjourn said meeting to the nearest convenient place for holding the same, and at said place of adjournment forthwith proceed with the meeting.

Sec. 4. This act shall take immediate effect.

Approved March 23, 1871.

[ No. 375. ]

AN ACT to amend sections one and nine, of act number three hundred and nine, of the session laws of eighteen hundred and sixty-nine, entitled "An act to organize union school district of the city of Flint."

SECTION 1. *The People of the State of Michigan enact*, That sections one and nine, of act three hundred and nine, of the session laws of eighteen hundred and sixty-nine, entitled "An act to organize union school district of the city of Flint," approved March ninth, eighteen hundred and sixty-nine, be and the same are hereby amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact*, That all the territory now embraced within the second, third, and fourth wards of the city of Flint, and such contiguous terri-

tory as may be hereafter thereto annexed for school purposes, shall constitute a single school district, and shall be known and designated as union school district of the city of Flint; and such district shall have all the powers and privileges conferred upon school districts by general law, and, in addition thereto, such as are hereinafter conferred by this act.

District to  
succeed to  
moneys,  
rights, etc.  
of ward  
schools.

Sec. 9. Said school district hereby organized shall succeed to and be entitled to demand and receive all moneys and other rights of whatsoever nature belonging to the present school districts of the second, third, and fourth wards of the city of Flint, and all real and personal property situate in said districts hitherto belonging thereto shall by force of this act become the property of said union school district hereby organized; and all debts and liabilities of said school districts of the second, third, and fourth wards of the city of Flint, except the bonded indebtedness of district number one of the town of Flint, shall become the debts and liabilities of said union school district hereby organized: *Provided*, That the present bonded indebtedness of said school district number one of the town of Flint, with the interest thereon, shall, when the same becomes due and payable, be assessed, levied, and collected upon that portion of said union school district of the city of Flint lying and being west of the Thread river and within the boundaries of said school district number one of the town of Flint, as heretofore constituted.

Proviso.

Sec. 2. This act shall take immediate effect.

Approved March 25, 1871.

[ No. 376. ]

AN ACT to organize certain townships in the county of Lake.

Towns  
detached.

SECTION 1. *The People of the State of Michigan enact*, That towns seventeen, eighteen, nineteen, and twenty north, of



range thirteen west, are hereby detached from the township of Lake in said county.

Sec. 2. That towns eighteen, nineteen, and twenty north, of <sup>Towns detached.</sup> range eleven and twelve west, are hereby detached from the township of Chase.

Sec. 3. That all that territory lying in the county of Lake, <sup>Township organized of Killbuck.</sup> State of Michigan, and designated as township number twenty north, of ranges number eleven, twelve, and thirteen west, be and the same is hereby organized into a township by the name of Killbuck.

Sec. 4. That all that territory lying in the county of Lake, <sup>Township organized of Ellsworth.</sup> State of Michigan, and designated as town number nineteen north, of ranges number eleven, twelve, and thirteen west, be and the same is hereby organized into a township by the name of Ellsworth.

Sec. 5. That all that territory lying and being in the county <sup>Township organized of Pinora.</sup> of Lake, State of Michigan, designated as township number eighteen north, of ranges eleven, twelve, and thirteen west, be and the same is hereby organized into a township by the name of Pinora.

Sec. 6. That the first township meeting in said township of Killbuck shall be held on the first Monday of April next, at <sup>First election in Killbuck.</sup> the house of John J. Robertson, in said township, and Nelson H. McKee, William J. Holcomb, and John J. Robertsen are <sup>Inspectors for same.</sup> hereby made and constituted a board of inspectors for said township election.

Sec. 7. That the first township meeting in said township of Ellsworth shall be held on the first Monday of <sup>First election in Ellsworth.</sup> April next, at the house of John Grice, in said township, and Adoniram J. Rice, John Grice, and David Delzell are hereby made and constituted a board of inspectors for said township election. <sup>Inspectors for same.</sup>

Sec. 8. That the first township meeting in said township of Pinora shall be held on the first Monday of April next, at the <sup>First election in Pinora.</sup> house of Erastus Haines, in said township, and David H. Lathrop, John G. Bigbee, and Erastus Haines are hereby made <sup>Inspectors for same.</sup>

and constituted a board of inspectors for said township election.

Of failure to  
hold election  
at specified  
time.

Sec. 9. If, for any reason, the township election shall not be held in townships named in the several sections of this act, or in either of said townships, at the time named for holding the same, it shall and may be lawful to hold the same at any time thereafter prior to the first day of May next, by giving at least five dnys' notice of the time and place of such meeting, by posting notices thereof in four of the most public places in such township, when said election is to be held, which said notices the said board of inspectors for such township are hereby authorized and required to post.

Contraven-  
ing acts re-  
pealed.

Sec. 10. All acts or parts of acts of the Legislature of Michigan contravening the provisions of this act are hereby repealed.

Sec. 11. This act shall take immediate effect.

Approved March 25, 1871.

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[ No. 377. ]

AN ACT to organize the township of Benton, in the county of Cheboygan.

Township  
organized.

SECTION 1. *The People of the State of Michigan enact*, That fractional township thirty-eight north, of range one west, in the county of Cheboygan, be and the same is hereby organized into a separate township, to be known as the township of Benton.

First  
election.

Sec. 2. The first annual meeting in said township of Benton shall be held on the first Monday of April next, at the court house in the village of Cheboygan, and Ward B. McArthur, Moses M. Horn, and David Smith are hereby made and constituted a board of inspectors for said township election.

Inspectors  
for same.

Of failure to  
hold election  
at specified  
time.

Sec. 3. If, for any reason, the township election shall not be held in the township named in this act at the time named for holding the same, it shall and may be lawful to hold the

same at any time thereafter, by giving at least ten days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which the said board of inspectors, or a majority of them, are hereby authorized to do.

Sec. 4. If, for any cause, all, or either of the inspectors hereby appointed shall neglect or shall be unable to attend said board at the time specified, it shall be lawful for the electors of said township to choose from the electors present suitable persons to act as inspectors of said election.

Sec. 5. This act shall take immediate effect.

Approved March 25, 1871.

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[ No. 378. ]

AN ACT to amend section two of an act entitled "An act to construct dams and improve the navigation of certain rivers," the same being on page one hundred and five, session laws of eighteen hundred and thirty-five and eighteen hundred and thirty-six, approved March twenty-four, eighteen hundred and thirty-six.

SECTION 1. *The People of the State of Michigan enact, That* section two of an act entitled "An act to construct dams and improve the navigation of certain rivers," approved March twenty-four, eighteen hundred and thirty-six, shall be amended so as to read as follows :

Sec. 2. That George Buck, his heirs and assigns, be and they are hereby authorized and empowered to build a dam across the St. Joseph river, on or near the line dividing sections number seventeen and eighteen, in township number six south, of range number eleven west, in the county of St. Joseph. Said dam shall not exceed seven feet in height above common low-water mark : *Provided*, That nothing in this act shall be construed to conflict with the provisions of act

number three hundred and twenty-eight, of the laws of eighteen hundred and sixty-five, approved March twenty-first, eighteen hundred and sixty-five.

Sec. 2. This act shall take immediate effect.

Approved March 29, 1871.

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[ No. 379. ]

AN ACT to legalize the proceedings of the Farmers' Mutual Insurance Company of Macomb and St. Clair counties.

Action  
legalized.

SECTION 1. *The People of the State of Michigan enact*, That the proceedings of the Farmers' Mutual Fire Insurance Company of Macomb and St. Clair counties, in so far as the officers of said company, in making their assessment roll to cover losses, have failed to state the losses or the amount lost by fire, or have failed to cause such assessment rolls to be signed by their chairman and secretary of their board of directors, and in all cases where the secretary has failed to file a written report of all of the doings of said company at their annual meeting, and the conditions of said company for the previous years, be and the same are hereby made valid; and the said company shall have the same right to proceed and collect such assessments as though such informality had not occurred.

Informal-  
ties not to  
work for-  
feiture of  
rights, etc.

Provided.

Sec. 2. Said insurance company shall not forfeit any rights under their charter for any informalities of its officers in heretofore transacting its business, but all such acts are hereby made valid: *Provided however*, That no individual member of said company shall gain or lose by the passage of this act.

Sec. 3. This act shall take immediate effect.

Approved March 29, 1871.

[ No. 380. ]

**AN ACT** to authorize the trustees of the First Presbyterian Church of Lansing, Ingham county, to sell and convey certain real estate.

**SECTION 1.** *The People of the State of Michigan enact,* That <sup>Corporation authorized to sell certain real estate.</sup> the trustees of the First Presbyterian Church of the city of Lansing, in the county of Ingham and State of Michigan, be, and they are hereby authorized and empowered to sell and convey, by good and sufficient warranty deed or deeds, all right, title, and interest of said church in and to the following described real estate, viz: Lots one and two, of block eighty-two, in the city of Lansing aforesaid.

**Sec. 2.** This act shall take immediate effect.

Approved March 29, 1871.

[ No. 381. ]

**AN ACT** to authorize the electors of the township of Millington, in the county of Tuscola, to raise money to purchase a township library.

**SECTION 1.** *The People of the State of Michigan enact,* <sup>Tax for township library authorized to be voted.</sup> That it shall be lawful for the electors of the township of Millington, in the county of Tuscola, at the next annual township meeting in said township, at the time of the election of the overseers of highways, to vote a sum of money by a *viva voce* vote, not exceeding three hundred dollars, to be expended by the school inspectors of said township in the purchase of a township library for said township; said library, when so purchased, to be kept under such rules and regulations as may be established by said board of school inspectors, for the use of the people of said township.

**Sec 2.** It shall be lawful for the electors of said township, <sup>Idem.</sup> at any subsequent township meeting, to vote, at the time and in the manner prescribed in the preceding section, a sum not

exceeding fifty dollars for the purchasing of books by said board of school inspectors for said township library.

Same to be spread in the tax-roll.

Sec. 3. It shall be the duty of the township clerk of said township to notify the supervisor of the amount of money voted under the provisions of this act, at any annual township meeting in said township, at the same time he gives notice of the money voted for township or other purposes, and it shall be the duty of the supervisor of said township to spread the same in the tax-roll for the same year in which said tax was voted.

Sec. 4. This act shall take immediate effect.

Approved March 29, 1871.

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[ No. 382. ]

AN ACT to provide for the adjustment and payment of certain ditch taxes in the county of Lenawee.

Supervisor to examine and adjust claims for relief.

SECTION 1. *The People of the State of Michigan enact*, That the board of supervisors of the county of Lenawee be and they are hereby authorized and required to examine and investigate all applications and claims for relief growing out of the sale to the State of Michigan of any land or lands situated in said county, sold to or claimed by the State for the non-payment of drain taxes, and to determine the amount that justly and equitably should be paid by the owner or owners of such land or lands for the construction of any ditch or ditches that may have been actually constructed upon or near the same.

To issue certificates of determination.

Sec. 2. Upon such determination the said board of supervisors shall issue a certificate to the owner of the lands, specifying the sum which they have determined to be justly due for the value of the ditch or ditches constructed upon or near the same, and upon the production of such certificate, and the payment of the amount specified therein to the State

Treasurer, within ninety days from the date of such determination, and the payment of all State, county, and township taxes assessed thereon for the same year, the Auditor General is hereby authorized and required to cancel and release all claims of the State acquired in and to the land therein described by virtue of a sale or sales of the same for delinquent ditch taxes as aforesaid.

Auditor General to cancel State claims to land on payment of amount so determined.

Sec. 3. If the sum so paid shall not equal the amount originally assessed upon the land for the construction of the drain or drains, the Auditor General shall charge the difference back to the county in which the land is located. All sums added to the original amount of the assessment in the way of interest, [or expenses] of sale, shall not make up any part of the amount charged back, but shall be wholly remitted and released.

Deficit to be charged to county.

Sec. 4. This act shall take immediate effect.

Approved March 29, 1871.

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[ No. 383. ]

AN ACT to change the name of Big Black Lake, in Muskegon county, to Lake Harbor.

SECTION 1. *The People of the State of Michigan enact*, That the name of Big Black Lake, in Muskegon county, be and the same is hereby changed to Lake Harbor.

Name changed.

Sec. 2. This act shall take immediate effect.

Approved March 29, 1871.

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[ No. 384. ]

AN ACT to detach certain territory from the township of Norton, and attach the same to the township of Fruitport, in the county of Muskegon.

SECTION 1. *The People of the State of Michigan enact*, That the territory hereinafter described be and the same hereby is

Territory detached.

detached from the township of Norton, and the same attached to the township of Fruitport, in the county of Muskegon, to wit: The east eighteen sections of township number nine north, of range sixteen west, same being the east half of said township.

Fruitport  
liable for  
expense in-  
curred by  
Norton for  
certain  
roads, etc.

Sec. 2. The township of Fruitport shall pay and discharge all the legal liability and liabilities now due or to become due to the township of Norton heretofore incurred by said township, in building, making, repairing, or improving any and all roads, highways, and bridges lying and being in said east half of said township, or on the line thereof, and shall also pay and discharge such portion of the other legal indebtedness of said township of Norton, now outstanding, as hereafter may be determined as provided by law.

Issue of  
township  
orders.

Sec. 3. It shall be lawful for the proper officers of the township of Fruitport to issue and deliver orders or other evidences of indebtedness to the person or persons entitled to the same, in lieu of such evidences of indebtedness heretofore issued by said township of Norton, and now unpaid and outstanding, as may be determined to be a liability against said township of Fruitport, said person or persons having first surrendered the original evidences of indebtedness to the officers entitled to receive and cancel the same.

When agree-  
ment cannot  
be made  
circuit court  
to appoint  
commission-  
ers to settle  
difference  
between  
townships.

Sec. 4. In case the township boards of said townships shall be unable to agree upon an apportionment of the indebtedness aforesaid, it shall be competent for the supervisor of either of said townships to apply to the circuit court of Muskegon county for the appointment of three disinterested electors of said county to act as commissioners to apportion and settle said indebtedness, and said circuit court is hereby authorized to appoint the same; and said commissioners are hereby authorized to make the apportionment in the manner provided in this act, and certify their determination to the township clerk of each of said townships, whose duty it shall



be to enter the same in the records of their respective townships.

Sec. 5. This act shall take immediate effect.

Approved March 29, 1871.

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[ No. 385. ]

AN ACT to create fractional school district number one of the city and township of Marquette.

SECTION 1. *The People of the State of Michigan enact, That* <sup>School district created.</sup> the territory embraced in the city of Marquette, in the county of Marquette, and so much of the township of Marquette, in said county, as is embraced in school district number one of the township of Marquette, be, and the same is hereby erected into a union school district, to be called "Fractional school district number one of the city and township of Marquette."

Sec. 2. The persons holding office in said school district <sup>Officers of same.</sup> number one of the township of Marquette, at the time of the passage of the act to incorporate the city of Marquette, approved February twenty-seven, eighteen hundred and seventy-one, shall continue to hold and exercise all the duties of their respective offices, as such officers of the fractional school district hereby created, until their successors are elected and qualified.

Sec. 3. The school district hereby created, and its several <sup>Powers, etc., accruing.</sup> officers, shall have and exercise all the power of graded and high school districts as provided by the laws of this State authorizing the formation of graded and high schools, and the election of a district board consisting of six trustees. Said fractional school district hereby created shall be the successor of said school district number one of the township of Marquette, and shall be entitled to all the moneys and property of every description, and shall be liable for all the debts of

said school district number one of the township of Marquette; and the title to all the real estate of said last named school district shall vest in the school district hereby created.

Acts of officers declared valid.

Sec. 4. The official acts of said district officers since the passage of the aforesaid act to incorporate the city of Marquette are hereby declared to be valid and binding upon the school district hereby created. School district number one, of the township of Marquette, is hereby vacated.

District vacated.

Sec. 5. This act shall take immediate effect.

Approved March 29, 1871.

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[ No. 386. ]

AN ACT to organize the township of Ely, in the county of Marquette.

Township organized.

SECTION 1. *The People of the State of Michigan enact*, That all that part of Marquette county lying west of range twenty-seven (27) west, be and the same is hereby organized into a separate township, by the name of Ely.

First election.

Sec. 2. The first township meeting in said township shall be held at the office of the Champion Iron Company, in said township, on the first Monday of April next, and Henry J. Colwell, James E. Moore, and Eugene St. Clair are hereby made and constituted a board of inspectors for said election.

Inspectors of same.

Of failure to hold election at specified time.

Sec. 3. If, for any reason, the township election shall not be held in the township named in this act at the time named for holding the same, it shall and may be lawful to hold the same at any time thereafter, by giving at least ten days' notice of the time and place of holding such meeting, by posting up written or printed notices thereof in four of the most public places in said township, which the said board of inspectors for said township herein appointed, or a majority of them, are hereby authorized and required to do.

Sec. 4. If, for any cause, all or either of the inspectors hereby appointed shall neglect or be unable to attend said board at the time specified, it shall be lawful for the electors of said township to choose from the electors present suitable persons to act as inspectors of said election.

Failure of  
inspectors  
to attend.

Sec. 5. This act shall take immediate effect.

Approved March 29, 1871.

[ No. 387. ]

AN ACT to incorporate the public schools of the city of Corunna.

SECTION 1. *The People of the State of Michigan enact, That* the territory now embraced within the district now known as union school district number one of the township of Caledonia, in the county of Shiawassee, which territory, and such adjoining territory as may be hereafter annexed for school purposes, shall constitute one school district, which shall be a body corporate, and shall be known and designated by the name and style of "The public schools of the city of Corunna;" and such district shall have all the powers and privileges conferred upon graded or union school districts by the general laws of this State, all the general provisions of which, relating to common or primary schools, shall apply and be in force in said district, except such as shall be inconsistent with the provisions hereinafter given, or with by-laws and ordinances of the board of education hereinafter mentioned; and all schools organized in said district shall be open and free to all children, actual residents within the limits of said district, between such ages and under such regulations as the board of education may adopt, and to such other persons as the board may admit.

School dis-  
trict consti-  
tuted.

Body  
corporate.

Name.

Powers and  
privileges.

Sec. 2. The officers of said district shall consist of six trustees, whose term of office shall be two years, two of whom shall

Officers  
and terms  
of office,

to be elected by ballot at the annual meeting of said district, to be held on the first Monday of September in each year; and within ten days after such annual meeting, the trustees of said district shall meet and elect from their own number a president, secretary, and treasurer, whose term of office shall continue one year, and whose powers and duties shall be severally the same as those conferred upon and required of the moderator, director, and assessor of school districts in this State, except so far as the same are varied or modified by the provisions of this act or other acts relating to said district. The present trustees of union school district number one of Caledonia shall be and are hereby constituted the trustees and officers of the public schools of the city of Corunna, and said trustees and officers shall continue to hold their office for the term for which they were elected by the district. Said board shall, within ten days after this act shall take effect, meet and elect from their own number a president, secretary, and treasurer, whose office shall continue until the next annual meeting of said district. Said board of trustees shall have power to fill any and all vacancies that may occur in their number, or in the officers appointed by them, until the next annual meeting of the district.

**Sec. 3.** From and after the passage of this act said board of trustees shall have all the powers and privileges conferred upon district and graded school boards by general law, and said board of trustees shall, before hiring any teacher, examine his or her qualifications, and all teachers employed by said board shall be considered as legally qualified without any further examination or certificate by the school inspectors or county superintendent.

**Sec. 4.** Said board of education shall have power to appoint a superintendent of schools and to define his powers and duties, to hire all necessary teachers and fix the amount of their compensation, to classify and grade the several schools, and determine the ages, qualifications, and terms for admission

thereto, and conditions for remaining therein, and which schools or departments pupils shall attend, to adopt courses of study and text books, to make rules and such by-laws as they may deem necessary for the preservation of the property of the district, for the government of the schools thereof, and in reference to all other matters connected therewith, and also to levy and collect such sums as they may deem proper for the tuition of pupils who are not actual residents of the district.

Sec. 5. The board shall provide all necessary appendages for the school-houses to keep the same in good condition and repair, and shall keep an accurate account of all expenses incurred by them; and all claims for such expenses shall be audited by said board of education and paid by the treasurer out of the money provided for that purpose by the district, on the order of the secretary, countersigned by the president of said board. Said board shall present at each annual meeting of the district a statement of all receipts, expenditures, and accounts audited by them, together with the amount of expenses necessary to be incurred during the ensuing year for such purposes, and to pay the debts of the district, the services of teachers, of any district officer; and such amount when voted at such annual meeting shall be assessed and collected in the same manner as other taxes; but no tax for these purposes shall be voted at a special meeting, unless a notice of the same shall be expressed in the notice for such meeting. The qualified voters of said district may also, by a majority vote of those present and voting at any annual meeting or at any special meeting called for such purpose, raise by vote upon the taxable property of the district such sum or sums as shall be necessary to purchase lots, build school buildings, repair, and furnish the same, and may authorize the board of trustees to borrow money on the bonds of the district for such term of years and at such rate of interest as the meeting may direct, not exceeding ten per cent per annum, for the purpose of building school buildings or making additions thereto, or for

Finances of district.

Annual report of same.

Estimate of expenses for ensuing year

Amount of estimate voted on at annual meeting.

Vote on tax to build school-house, etc.

Borrowing of money.

the payment of bonds to become due: *Provided*, That such indebtedness shall at no time exceed fifty thousand dollars.

Treasurer to  
give bonds,  
etc.

Sec. 6. The treasurer of said district shall give bonds in such sum as the board of trustees shall annually direct, and shall have power, in the name of the district, to collect all money due for tuition of scholars who are not actual residents thereof, and for any damages done to the property of the district by pupils or other persons, at suit by law, under the direction of the board of trustees.

Duties of  
secretary.

Sec. 7. The board of trustees shall require the secretary to keep a record of its proceedings, and of the rules and by-laws it may from time to time enact, and to do and transact all other business that shall be required of him by said board, for which labor he shall receive such compensation as the board of trustees shall determine upon by vote at any regular meeting of the board.

Moneys,  
property,  
etc., accru-  
ing.

Sec. 8. Said school district hereby organized shall succeed to and be entitled to demand and receive all moneys, and other rights of whatsoever nature, belonging to the present union school district number one of Caledonia; and all real and personal property situated in said district and belonging thereto shall by force of this act become the property of said public schools of the city of Corunna, hereby organized; and all the debts and liabilities of said union school district number one of Caledonia shall become the debts and liabilities of the public schools of the city of Corunna hereby organized.

High school.

Sec. 9. Said board of trustees shall have power to establish a high school and prescribe the course of study for the same, and to grant such certificates of scholarship, and in such form as said board shall deem proper, to pupils completing satisfactorily said course of study.

Certificate  
of gradua-  
tion.

District  
library.

Sec. 10. Said board of education shall establish a district library, and all fines imposed and collected upon complaint entered and prosecuted within the corporate limits of said district, as provided for township libraries by article thirteen,

section twelve, constitution of the State of Michigan, shall after the passage of this act belong to the library fund of the public schools of the city of Corunna, and shall be drawn from the treasurer of Shiawassee county by the treasurer of the board of education, and expended under the direction of said board for books for said district library.

Sec. 11. This act shall take immediate effect.

Approved March 29, 1871.

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[ No. 388. ]

AN ACT to exempt the counties of Saginaw and St. Joseph from the provisions of act number forty-three, of the session laws of eighteen hundred and sixty-nine, being an act entitled "An act to provide for the drainage of swamps, marshes, and other low lands."

SECTION 1. *The People of the State of Michigan enact, That* Exemption. the counties of Saginaw and St. Joseph be and the same are hereby exempted from the provisions of act number forty-three, of the session laws of eighteen hundred and sixty-nine, being an act entitled "An act to provide for the drainage of swamps, marshes, and other low lands," the same as if said act had never been a law: *Provided however,* That the passage of this act Proviso. shall not affect any act already done, right accruing or acquired, or legal proceeding had or commenced, or tax-sale made, by virtue thereof.

Sec. 2. This act shall take immediate effect.

Approved March 29, 1871.

[ No. 389. ]

AN ACT to provide for the laying out and establishing a State road from Tyre, in the township of Austin, Sanilac county, to the shore of Lake Huron.

Commissioner appointed.

SECTION. 1. *The People of the State of Michigan enact, That* Andrew McLaughlin, of Sanilac county, be and is hereby appointed a special commissioner to lay out, establish, and open a State road, commencing at Tyre, in the township of

Line of road. Austin, Sanilac county, running thence on the most direct and eligible route to the southeast corner of section fifteen, town thirteen north, of range thirteen east, thence easterly on the most eligible route to the shore of Lake Huron.

Commissioner to lay out and file description of road.

Sec. 2. It shall be the duty of said commissioners, within three months after this act shall take effect, to proceed to lay out and establish said road, and to cause a description thereof to be filed with each of the township clerks of the townships through which said road shall pass, whose duty it shall be to record the same, and such record shall be *prima facie* evidence of the existence of such road.

Damages.

Sec. 3. In all cases where damages may be claimed by reason of laying out and establishing said road, the same proceedings shall be had thereon as may be required by law for the assessment of damages in case of roads laid out by highway commissioners.

Non-resident highway tax appropriated for.

Sec. 4. For the purpose of constructing said road, there is hereby appropriated all the non-resident highway tax two miles on the east side and one mile on the west side of said road through town fourteen north of range thirteen east, and three miles on each side of the line of said road through town thirteen north of range thirteen east, and town thirteen north of range fourteen east, and one mile on each side of the line of said road through town thirteen north of range fifteen east, and town thirteen north of range sixteen east, for the term of three years from the passage of this act.



**Sec. 5.** The State shall not be liable for any expenses or damage sustained by reason of this act, but the township through which said road shall pass shall pay for the survey and necessary expense, and shall also pay the commissioner two dollars per day for his services for the time necessarily and actually expended by him.

State not to be liable for expense or damage.

Compensation of commissioner.

**Sec. 6.** Any overseer of highways receiving or collecting any such non-resident highway-tax by authority of his office, shall pay over the same to the treasurer or his township on or before the first day of November in each and every year, and every township treasurer receiving or collecting any such non-resident highway tax aforesaid, shall pay over the same to the county treasurer, and said county treasurer shall pay over said money to the special commissioners herein provided for, upon the demand of said commissioner, and said commissioner shall give to said treasurer his receipt for the same.

Officers to pay highway tax to commissioner.

**Sec. 7.** It shall be the duty of such special commissioner to render to the board of supervisors of said county, at their annual session, a true account, on oath or affirmation, of the receipt and disbursement of all money received by him during each year from such townships respectively.

Commissioner to render account to supervisors.

**Sec. 8.** Said commissioner, before he shall be entitled to receive any moneys so collected as aforesaid, shall make and execute to the county treasurer of said county a bond in the sum of two thousand dollars, with such sureties as the said county treasurer shall approve, conditioned that he will faithfully apply, according to law, all moneys received by him in virtue of this act, which bond shall be filed in the office of the county clerk of said county.

To give bonds.

**Sec. 9.** The board of supervisors of the county of Sanilac shall have power, and it shall be their duty, to fill any vacancy that may occur on account of death, neglect, or refusal of said commissioner to serve under the provisions of this act.

Vacancy in office of commissioner.

**Sec. 10.** This act shall take immediate effect.

Approved March 29, 1871.

[ No. 390. ]

AN ACT to lay out and establish a State road in the counties of Midland and Saginaw, and to appropriate certain non-resident highway taxes therefor.

Commis-  
sioner  
appointed  
to lay out  
road.

SECTION 1. *The People of the State of Michigan enact, That* Joseph Porter be and is hereby appointed commissioner with full power and authority to lay out and establish, and improve, a road commencing at or near the west bank of the Tittabawassee river, at a point where the bridge crosses said river at the city of Midland, in the county of Midland, running southeasterly, along the present river road, to the point where said river road crosses the east section line of section twenty-eight, in township fourteen north, of range two east, in said county of Midland; thence south, on said section lines, through the townships of Midland and Ingersoll, in the county of Midland, and the townships of Richland, Freemont, Brant, and Brady, to the so-called "Ridge road," in the township of Brady, in the county of Saginaw.

Name of  
road.

Non-resi-  
dent high-  
way tax  
appropri-  
ated to build

Sec. 2. The highway tax for the years eighteen hundred and seventy-one, eighteen hundred and seventy-two, and eighteen hundred and seventy three, upon the non-resident land in the towns through which said road may run, for a distance of one mile each side of said road, except such portion thereof as has been heretofore otherwise appropriated, be and the same is hereby appropriated for the construction of said road, to be expended as hereinafter provided.

Commis-  
sioner to file  
description  
of road.

Sec. 3. It shall be the duty of the said commissioner to file with the county treasurers of Saginaw county and Midland county a full description of the route and survey of the road as surveyed and established by him; and also, to make out and file with the county treasurer of Midland county, a description by sections or subdivisions of all non-resident lands lying within two miles of said road, where it runs through lands in Midland county, and also to make out and file with the county treasurer of Saginaw, a description, by section or subdivisions,

of all non-resident land lying within two miles of said road, where it runs through lands in Saginaw county, as specified in the second section of this act.

Sec. 4. Any overseer of highways within any township through which said road may run, or any township treasurer thereof who may receive any portion of such non-resident highway tax for the period of three years from the first day of March, eighteen hundred and seventy-one, shall pay the same over to the county treasurer of Midland county, when the non-resident tax shall be received from lands in Midland county; and when the said non-resident tax shall be received by overseers or township treasurers in Saginaw county, they shall pay the same over to the county treasurer of Saginaw county. The overseers or township treasurers shall be entitled to receive a receipt from said county treasurer for all moneys paid over as aforesaid under this act, which shall be a sufficient voucher for him or them, that he, or they, has or have properly paid over such non-resident highway tax.

Highway moneys to be paid over to commissioner.

Sec. 5. It shall be the duty of said commissioner to expend all moneys received by him under the provisions of this act, on that part of said road lying within the county from which such moneys were received, and shall render to the board of supervisors of Midland and Saginaw counties, at their annual session in each year, and at such other times as the boards may require, a full and true account of all moneys drawn by him to be applied on said road, the amount drawn from each officer, and the manner in which the same has been applied.

Commissioner to render account to supervisors.

Sec. 6. It shall be the duty of the county treasurers of the counties of Midland and Saginaw to retain in their hands all such sums of money as may be received by them for non-resident highway taxes assessed within the time aforesaid on any of the lands hereinbefore mentioned, and to pay the same only upon the order of the said commissioner or his successor.

Treasurers to retain said moneys subject to order of commissioner.

Sec. 7. The said commissioner, before entering upon the duties of his office, shall take and subscribe the constitutional

Oath and bond.

oath of office, and shall execute a bond to the people of the State of Michigan in the penal sum of two thousand dollars, with such sureties as the treasurer of Saginaw county shall approve, conditioned that such commissioner will faithfully discharge the duties of said office, and expend all moneys received by him for the benefit of said road, as directed by this act, which bond and oath shall be filed with the treasurer of Saginaw county. He shall receive for his services, while engaged in the discharge of his official duties as commissioner, three dollars per day, which shall be audited by the boards of supervisors of Midland and Saginaw counties, and paid out of the fund created by this act.

Vacancy in  
office of com-  
missioner.

Sec. 8. If the said commissioner shall neglect or refuse to perform any of the duties of his said office, or shall misapply any of the funds appropriated by this act, it shall be competent for the Governor forthwith to remove him from said office. Any vacancy in said office shall be filled by the Governor.

Sec. 9. Said road shall be known as the Midland and Saginaw State road.

Sec. 10. This act shall take immediate effect.

Approved March 29, 1871.

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[ No. 391. ]

AN ACT to legalize the acts of the highway commissioners of the township of Hazleton, in changing the location of the Cronk ditch.

Change of  
location of  
ditch legal-  
ized.

SECTION 1. *The People of the State of Michigan enact, That the acts and doings of the highway commissioners of the township of Hazleton, county of Shiawassee, in the laying and constructing a ditch in said township, in the year eighteen hundred and seventy, known by the name of the Cronk ditch, be and the same are hereby as legal as they would have been*

had not said commissioners changed the original survey and location of said ditch.

Sec. 2. This act shall take immediate effect.

Approved March 29, 1871.

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[ No. 392. ]

AN ACT to provide for the laying out, establishing, and construction of the Mayville and Sebawaing State road.

SECTION 1. *The People of the State of Michigan enact*, That <sup>Governor to appoint commissioner.</sup> there shall be laid out and established, by a commissioner to be appointed by the Governor of the State of Michigan, a State road, commencing at the village of Mayville, in the <sup>Line of road</sup> county of Tuscola, and running thence on the most direct and eligible route to Wahjamega, thence west from Wahjamega one mile, thence north on the town line between range eight and nine east, to the village of Unionville, and from thence northerly by the most direct and eligible route to the village of Sebawaing, in Huron county, said road to be known as the Mayville and Sebawaing State road.

Sec. 2. It shall be the duty of said commissioner, within <sup>Survey of road and filing of description.</sup> six months after his appointment, to proceed to lay out and establish said road, and to cause the same to be surveyed, and a description thereof to be filed in the office of the township clerk of the townships through which said road shall pass, and it shall be the duty of the township clerks to record the same, and such record shall be *prima facie* evidence of the existence of such road.

Sec. 3. In cases where damages may be claimed by reason of <sup>Damages.</sup> laying out and establishing said road, the same proceedings shall be had thereon as may be required by law for the assessment of damages in case of roads laid out by highway commissioners.

Non-resident highway tax appropriated to construct road.

Provido.

Sec. 4. For the purpose of constructing said road, there is hereby appropriated all the non-resident highway tax one mile each side of the line of said road, for the term of two years from the passage of this act: *Provided*, That no non-resident highway tax is so appropriated that is within one mile of the Almer and Fair Grove State road.

Moneys to be paid over to commissioner.

Sec. 5. Any overseer of highways or township treasurer, having received any portion of such non-resident tax, shall, on demand of the special commissioner herein provided for, pay over to such commissioner any such sum of money, and such commissioner's receipt shall release such overseer or treasurer from liability.

Compensation of commissioner.

Sec. 6. Such special commissioner shall receive for his services the sum of two dollars per day, which, including the expenses of survey, shall be paid out of the non-resident highway tax hereby appropriated; and it shall be his duty to render, under oath, to the board of supervisors of said counties, at their annual session, a true account of the receipts and disbursements of all the money received by him during each year from such townships respectively.

Annual report of same

To execute bond.

Sec. 7. Said commissioner, before he shall be entitled to receive any moneys so collected as aforesaid, shall make and execute to the county treasurer of said county a bond in the sum of two thousand dollars, with such sureties as the county treasurer shall approve, conditioned that he will faithfully apply all moneys received by him in virtue of this act, which bond shall be filed in the office of said county treasurer.

Sec. 8. This act shall take immediate effect.

Approved March 29, 1871.

[ No. 393. ]

AN ACT to provide for the election of aldermen in the fourth ward of the city of Flint at the annual election for eighteen hundred and seventy-one, and to authorize the common council of said city to assess, levy, and collect a highway tax in said fourth ward for eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact, That* Aldermen and terms of office. at the charter election in the fourth ward of the city of Flint, for the year one thousand eight hundred and seventy-one, there shall be elected, besides the other officers provided for by the charter of said city, two aldermen, who shall be members of the common council of said city of Flint, one of whom shall hold his office for the term of one year, and one of whom shall hold his office for the term of two years; and at each annual charter election thereafter there shall be elected in said ward, in addition to the other officers provided for by said charter, one alderman, who shall hold his office for the term of two years.

Sec. 2. The common council of said city may, in addition Levy of highway tax in fourth ward. to the other powers conferred upon them by the charter of the city of Flint, at such time as they shall see fit, proceed to assess, levy, and collect a highway tax in the fourth ward of said city for the year one thousand eight hundred and seventy-one, not exceeding one half of one per cent of the assessed valuation of the real and personal property of said ward, which highway tax shall be used and expended exclusively in said ward for highway purposes for the year one thousand eight hundred and seventy-one.

Sec. 3. This act shall take immediate effect.

Approved March 30, 1871.

[ No. 394. ]

AN ACT to legalize the incorporation of the society known as 'The Literary Adelphi of Detroit.'

Incorporation of society legalized.

SECTION 1. *The People of the State of Michigan enact, That* the incorporation of the society in the city of Detroit, known as "The Literary Adelphi of Detroit," is hereby declared to be as legal and valid as it would have been had the articles of association of said society been filed with the Secretary of State, as well as with the county clerk: *Provided however,* That before this act shall take effect, the said society shall cause a certified copy of the articles of association, in the office of the county clerk of Wayne county, to be filed in the office of the Secretary of State.

Previous.

Sec. 2. This act shall take immediate effect.

Approved March 31, 1871.

[ No. 395. ]

AN ACT to extend the time of payment of certain ditch taxes in the township of Howell, in the county of Livingston.

Time for collection of tax extended

SECTION 1. *The People of the State of Michigan enact, That* the time for the collection of the taxes in the township of Howell, in the county of Livingston, assessed for the year eighteen hundred and sixty-nine, and re-assessed for the year eighteen hundred and seventy, on the following described land, viz: Seventy acres off from and across the west side of the northwest quarter of section eight, in township number three north, of range number four east, for the construction of a certain ditch in said township, be and the same is hereby extended until the first day of December next.

Duty of treasurer relative thereto.

Sec. 2. The treasurer of the township above named, or his successor in office, is hereby authorized and it shall be his duty to proceed and collect the above-mentioned ditch taxes in the



same manner as during the lifetime of his warrant, and to make returns to the county treasurer on or before the first day of December next; and the said warrant is hereby continued in full force and virtue for the purpose aforesaid, and all levies made by virtue thereof shall be held good and valid until the said first day of December next.

Sec. 3. This act shall take immediate effect.

Approved March 31, 1871.

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[ No. 396. ]

**AN ACT** to amend section eleven of "An act relative to free schools in the city of Detroit," approved February twenty-four, eighteen hundred and sixty-nine.

**SECTION 1.** *The People of the State of Michigan enact, That* Section amended.  
 section eleven of an act entitled "An act relative to free schools in the city of Detroit," approved February twenty-four, eighteen hundred and sixty-nine, be and the same is hereby amended so as to read as follows :

Sec. 11. The board of education shall establish and maintain a district library: *Provided*, That the said board of education may, in its discretion, elect a board of commissioners of the public library of Detroit, to which it may transfer the care and custody of the funds and property of such district library. Such board of commissioners, when elected, shall be clothed with all powers for the management and control of the library, now vested in the board of education, and shall consist of six members, who shall be elected by the board, and who shall hold their offices for six years, except that the members of the first board shall be chosen for the terms of one, two, three, four, five, and six years respectively. Of this board of commissioners the president of the board of education shall

District library. Provide relative to commissioners of public library.

be a member, *ex officio*, and it shall make annual reports to the board of education of the condition of the library and its funds.

Sec. 2. This act shall take immediate effect.

Approved March 31, 1871.

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[ No. 397. ]

AN ACT to transfer certain real estate to school district number five of the township of Hudson.

Transfer of  
property of  
school dis-  
trict.

SECTION 1. *The People of the State of Michigan enact*, That all the real estate owned by school district number five of the township of Hudson, in the county of Lenawee, at the time act number four hundred and twenty-six of the session laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the public schools of the village of Hudson," approved March twenty-fifth, eighteen hundred and sixty-seven, took effect, be and the same is hereby transferred to school district number five of said township of Hudson; and that all the title which the former school district number five had to said real estate when said act number four hundred and twenty-six took effect is hereby revested in the school district which is now known and designated as school district number five of Hudson.

Sec. 2. This act shall take immediate effect.

Approved March 31, 1871.

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[ No. 398. ]

AN ACT to organize the county of Presque Isle.

County  
organized.

SECTION 1. *The People of the State of Michigan enact*, That the county of Presque Isle, consisting of the territory embraced by the present county of Presque Isle, be and the

same is hereby organized into a separate county, by the name of Presque Isle, and the inhabitants thereof shall be entitled to all the privileges, powers, and immunities to which by law the inhabitants of other organized counties in this State are entitled.

Sec. 2. At the election to be held on the first Monday of April next, the several county officers of said county of Presque Isle shall be elected. Such election of such officers and the canvass thereof shall be conducted in the manner described by law: *Provided*, That the county canvass of such election shall be held at the office of the township clerk of the township of Rogers, on the Monday next succeeding such election; and the officers so elected shall qualify and enter on the duties of their respective offices on or before the fifteenth day of May next, and that their several terms of office shall expire on the first day of January, eighteen hundred and seventy-three.

Election of officers.

Proviso relative to county canvass, etc.

Qualification of officers.

Sec. 3. The county seat of said county is hereby located in the village of Rogers City, in said county, for the time being, and the same shall so remain located until removed by the board of supervisors of said county, pursuant to law; and the county clerk shall provide a suitable seal and all the necessary books for the use of the circuit court for said county; and the sheriff shall provide a suitable place for holding said court, at the expense of said county, until a suitable place for holding such court is provided by the board of supervisors of said county.

County seat.

Place for holding circuit court.

Sec. 4. Said county shall be in the eighteenth judicial circuit, and shall be entitled to two courts therein in each year.

County assigned to judicial circuit.

Sec. 5. If, for any reason, the election should not be held on the first Monday of April, eighteen hundred and seventy-one, it shall be lawful for it to be held any time thereafter, by giving ten days' notice, which notice it shall be the duty of the said township clerk to give; and the canvass of the votes shall

Of failure to hold election at specified time.

be held on the second Tuesday succeeding the election, as mentioned in section two of this act.

Election of  
circuit judge

Sec. 6. It shall be the duty of the aforesaid township clerk to post notices for the election of a circuit judge of the eighteenth judicial circuit, in the usual manner for such election, at least three days previous to the day of election.

Sec. 7. This act shall take immediate effect.

Approved March 31, 1871.

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[ No. 399. ]

AN ACT to legalize the tax-rolls of the township of East Bay, in the county of Grand Traverse, for the years eighteen hundred and sixty-eight, eighteen hundred and sixty-nine, and eighteen hundred and seventy.

Tax-rolls  
legalized.

SECTION 1. *The People of the State of Michigan enact*, That the tax-rolls of the township of East Bay, in the county of Grand Traverse, for the years eighteen hundred and sixty-eight, eighteen hundred and sixty-nine, and eighteen hundred and seventy, be and are hereby made as legal and valid as if no part of the tax on said rolls had been assessed for the purpose of defraying the indebtedness assumed by said township as its due proportion of bonds for bounties issued by and outstanding against the township of Traverse, at the time of the organization of said township of East Bay and its separation from the said township of Traverse.

Sec. 2. This act shall take immediate effect.

Approved March 31, 1871.

[ No. 400. ]

AN ACT appropriating certain non-resident highway taxes to aid in the construction of the Cass river and Bay City State road.

SECTION 1. *The People of the State of Michigan enact,* Highway taxes appropriated.  
That all the non-resident highway taxes for one mile each side of the Cass river and Bay City State road be and the same is hereby appropriated, for three years, to aid in the construction of said road, to be expended under the direction of the special commissioner on said road.

Sec. 2. Before said commissioner shall receive any money under the provisions of this act, he shall make, execute, and deliver a bond to the people of the State of Michigan, in the penal sum of five thousand dollars, conditioned for the faithful performance of his duties by virtue of this act, which said bond shall be filed with the county clerk of Tuscola county. Commissioner to execute bonds.

Sec. 3. It shall be the duty of any county treasurer, township treasurer, highway commissioner, or overseer of highways receiving any of the non-resident highway tax appropriated to said road by virtue of the first section of this act, to pay the same over to said special commissioner on demand. Moneys to be paid over to commissioner.

Sec. 4. This act shall take immediate effect.

Approved March 31, 1871.

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[ No. 401. ]

AN ACT to change the name of Barbara Walker to Ada Putney.

SECTION 1. *The People of the State of Michigan enact,* Name changed.  
That the name of Barbara Walker, adopted daughter of John E. Putney, of the city of Ypsilanti, county of Washtenaw and State of Michigan, be and the same is hereby changed to Ada

Proviso. Putney: *Provided*, That this act shall not take effect until the said John E. Putney shall execute, acknowledge, and file in the office of the judge of probate of the county of Washtenaw, an instrument in writing, under his hand and seal, adopting the said Barbara Walker as his lawful heir: *And*

Proviso. *provided further*, That in such case the said John E. Putney shall thereupon stand in place of a parent to said adopted daughter, and be liable to all the duties and entitled to all the rights of a parent thereto, and the said Barbara Walker shall thereupon become his heir-at-law the same as if his real daughter.

Sec. 2. This act shall take immediate effect.

Approved March 31, 1871.

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[ No. 402. ]

AN ACT to change the name of William Zahn to William Sawn.

Name  
changed.

SECTION 1. *The People of the State of Michigan enact*, That the name of William Zahn be and the same is hereby changed to William Sawn.

Sec. 2. This act shall take immediate effect.

Approved March 31, 1871.

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[ No. 403. ]

AN ACT to authorize school district number nine of the township of Battle Creek, in the county of Calhoun, to issue bonds.

Issue of  
bonds au-  
thorized.

SECTION 1. *The People of the State of Michigan enact*, That the district board of school district number nine, of the township of Battle Creek, in the county of Calhoun, be and the

same is hereby authorized to issue and negotiate the bonds of said district, to such an amount, not exceeding one thousand dollars, payable at such time or times, and drawing such rate of interest, not exceeding ten per cent per annum, as such district shall, at any annual or special meeting thereof, determine by a majority vote of the legal voters then and there assembled: *Provided*, That the meeting at which the issuing Proviso. of said bonds shall be authorized shall be called in the manner provided by law.

Sec. 2. Said bonds, or the proceeds thereof, shall be used Purpose. for the purpose of building a school-house in said school district, and for no other purpose.

Sec. 3. This act shall take immediate effect.

Approved March 31, 1871.

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[ No. 404. ]

AN ACT to legalize certain acts and proceedings of the board of fire commissioners in the city of Detroit.

SECTION 1. *The People of the State of Michigan enact*, That Doings of fire commissioners legalized. all the acts and proceedings of the board of fire commissioners in the city of Detroit, as organized by act number four hundred and fifty-three, of the laws of eighteen hundred and sixty-seven, approved March twenty-six, eighteen hundred and sixty-seven, entitled "An act to create a fire commission in the city of Detroit," so far as such acts and proceedings have been done in pursuance of or in accordance with the terms of said act, be and the same are hereby declared as valid and legal as if act number four hundred and eighty-six, of the laws of eighteen hundred and sixty-nine, approved April fifth, eighteen hundred and sixty-nine, and entitled "An act to amend an act entitled 'An act to revise the charter of the city of

Detroit, approved February fifth, eighteen hundred and fifty-seven, as amended by the several acts amendatory thereof," had not been enacted and approved.

Approved March 31, 1871.

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[ No. 405. ]

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to establish a police court in the city of Detroit,'" approved April second, eighteen hundred and fifty, and to add a new section thereto, approved March twentieth, eighteen hundred and sixty-three, and to add a new section thereto.

Section  
added.

SECTION 1. *The People of the State of Michigan enact*, That a new section be added to an act entitled "An act to establish a police court in the city of Detroit," as amended by act No. one hundred and sixty-four, of the session laws of eighteen hundred and sixty-three, to stand as section ten of said act, and read as follows:

Salary of  
police jus-  
tice.

Sec. 10. The said police justice shall not be entitled to receive to his own use any fees for services performed under this act, but in lieu thereof he shall receive an annual salary not to exceed twelve hundred dollars per year, for the time he shall exercise the duties of such office, to be fixed from year to year by the board of county auditors for said county of Wayne, which shall be allowed, raised, and paid by said board as other county charges are allowed and paid; and during the time he remain such police justice, he shall not perform the duties of a civil magistrate.

Same not to  
act as civil  
magistrate.

Number  
changed.

Sec. 2. Section ten of said act shall stand as section eleven.  
Approved March 31, 1871.



[ No. 406. ]

AN ACT to change the name of the township of Lovell, in Muskegon county, to Fruitport.

SECTION 1. *The People of the State of Michigan enact*, That <sup>Township</sup> the name of the township of Lovell, in Muskegon county, be <sup>name</sup> changed, and the same is hereby changed to that of Fruitport.

Sec. 2. All debts, liabilities, rights, privileges, and immunities <sup>Liabilities,</sup> of every nature, incurred by said township of Lovell, by or <sup>rights, etc.,</sup> to remain. with any persons or corporations, shall remain binding and valid against said township of Fruitport, as they would have been had the name not been changed.

Sec. 3. This act shall take immediate effect.

Approved March 31, 1871.

[ No. 407. ]

AN ACT to authorize the city of Ypsilanti to vacate a cemetery, and to prevent burials in the Eastern Cemetery.

SECTION 1. *The People of the State of Michigan enact*, That <sup>Common</sup> the common council of the city of Ypsilanti shall have and <sup>council au-</sup> are hereby clothed with authority to vacate the cemetery in <sup>thorized to</sup> said city, known as the Western Cemetery, situated at the <sup>vacate cem-</sup> corner of Chicago avenue and Summit street, and remove, or <sup>etry.</sup> cause to be removed, the bodies therein buried, to the Highland Cemetery, in said city, except in such cases as the friends of persons buried in said Western Cemetery shall elect to remove such bodies to some other place, without expense to said city: *Provided*, That no removal of bodies shall be made <sup>Proviso.</sup> between the first day of July and the first day of October.

Sec. 2. Said common council are hereby authorized, by ordinance, to forbid and prevent further burials in the Eastern Cemetery, in said city, whenever said council shall, by a two- <sup>Further use</sup> of cemetery <sup>may be for-</sup> bidden.

thirds vote of the council elect, resolve that such burials are injurious to the public health.

Sec. 3. This act shall take immediate effect.

Approved March 31, 1871.

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[ No. 408. ]

AN ACT to organize union school district of the township of Rogers.

School dis-  
trict con-  
stituted.

Body corpo-  
rate.

SECTION 1. *The People of the State of Michigan enact*, That townships thirty-four north, range four, five, and six east, and townships thirty-five north, range four and five east, which are now embraced in the limits of what is now known as the township of Rogers, in the county of Presque Isle, shall constitute one school district, which shall be a body corporate by the name and style of union school district of the township of Rogers, and by that name may sue and be sued, and shall be subject to all the general laws of this State relative to corporations, so far as the same may be applicable; and such district shall have all the powers and privileges conferred upon school districts by the general laws of this State, all the general provisions of which, relating to common or primary schools, shall apply and be in force in said district, except such as shall be inconsistent with this act, or with the by-laws and ordinances of the board of education hereinafter mentioned, made in pursuance of this act.

Resident  
children ad-  
mitted to  
school.

Sec. 2. All schools organized in said district under this act, shall be open to all children actual residents in said territory, between the ages of five and twenty-one years, inclusive, and to such other persons as the board shall admit.

Board of  
education.

Sec. 3. The officers of said district shall consist of three trustees, to be called the board of education; and the term of

office of said trustees shall be three years, one of whom shall be elected annually at the annual meeting of said district, which shall be held on the first Monday in August of each year; and within ten days after such annual election the trustees shall meet and elect from their own number a president, secretary, and treasurer, who shall severally hold their offices for one year, and until their successors are elected and qualified, and may at any time fill, by a new election, any vacancies that may occur in either of said offices; and their powers and duties shall severally be the same as those of the moderator, assessor, and director, in school districts organized under the general laws of this State, except as the same are varied by the provisions of this act and the ordinances and by-laws of this board.

Annual district meeting.

Organization of board

Powers and duties of same.

Sec. 4. The secretary shall give at least one week's notice of the annual and special meetings of said district by posting notices thereof, specifying the hour, place, and object of holding the same, in at least three public places within said township; and a copy of such notice shall be recorded in the book in which the record of proceedings of such meeting shall be kept, and such record shall be *prima facie* evidence that due notice of such meeting has been given.

Notice of meetings.

Record of same.

Sec. 5. Said board of education shall have power to fill all vacancies that may occur in the office of any of the trustees, and the person appointed shall hold his office during the unexpired term of his predecessor in said office; and each trustee, within ten days after his election by the district, or his appointment by said board, shall file with the secretary an acceptance of the office in writing and the usual oath of office.

Vacancies in board.

Sec. 6. The treasurer of said district shall, before entering upon the duties of his office, give a bond to said district in such sum and with such surety or sureties as the said board shall approve, conditioned for the faithful performance of the duties of his office, which bond shall be filed with the secretary.

Treasurer to give bonds.

Receipts  
and care of  
moneys by  
treasurer.

Sec. 7. The treasurer shall receive and hold, subject to the order of said board, all moneys belonging to said district from whatever sources derived; and it shall be the duty of the county treasurer and the treasurer of said township to pay over to him, on his application therefor, all moneys that shall come into their hands, respectively, belonging to said district.

Disburse-  
ment of  
money.

Sec. 8. No money of said district shall be paid by said treasurer, except on the order of said board, signed by the secretary and president; and it shall be the duty of said treasurer to pay such orders to the extent of the funds in his hands, on presentation thereof.

Examina-  
tion and  
qualification  
of teachers.

Sec. 9. A majority of the members of said board shall constitute a quorum, and the said board shall meet from time to time at such place in said district as they may designate. Said board, before hiring any teacher, shall examine into his or her qualifications, and all teachers employed by said board shall be considered and deemed legally qualified, and said board shall deliver to them, respectively, a certificate stating the branches they have been qualified to teach, which shall continue in force so long as said board shall continue to employ such teachers in the schools of said district, unless expressly annulled by said board; and on such certificate being annulled, any contract for the employment of the teacher named therein shall cease and determine as though the term of such employments had expired.

Board to  
submit esti-  
mates of  
necessary  
school tax  
to district  
meeting.

Sec. 10. Said board shall also have power, and it shall be its duty, annually to determine by vote, which shall be entered in the record of its proceedings, the amount of money necessary to be raised by tax on the property of said district, to defray the expenses of the schools of said district for the current year, and the amount necessary to pay the interest and principal of any unliquidated debt due within such year from such district, which determination shall be submitted to the qualified voters of said district at the annual meeting, for their rejection or approval, and to file with the supervisor of said

township, within thirty days after the annual meeting, a statement in writing of the sums so voted; and the said supervisor shall cause said sum or sums to be assessed on the real and personal property of said district on the first general tax-roll thereafter made, and the assessment of such tax for said district shall be in a separate column in such roll, and the same shall be collected at the same time, in the same manner; and the treasurer of said township shall have the same authority and may resort to the same modes, by virtue of the said roll and the warrant annexed thereto, to collect the same as other taxes therein mentioned, and it shall be the duty of said township treasurer to pay over to the treasurer of said district the amount of such school and district tax as soon as collected.

To report  
action of  
meeting to  
supervisors.

Same to be  
incorporated  
in general  
tax-roll.

Sec. 11. Said board shall also have power to order special meetings of said district whenever any such meeting shall be deemed necessary, and after such meeting the said board, when authorized by the vote of a majority of the legal voters present, shall have power to fix and determine upon the site for the school-houses in said district, and also to raise by tax or loan on the bonds of said district all sums necessary to purchase sites for school-houses and to improve and ornament the same, and to erect and furnish school-buildings, and for the payment of teachers' salaries, and all other necessary expenses of said district; and whenever in any settlement within the limits of said district, being at a greater distance from any existing school than two miles, there shall be thirty or more children between the ages of five and twenty-one years, it shall be the duty of said board, whenever two-thirds of the legal voters of such settlement shall present to them a petition or other authentic statement signed by them, showing the distance of such settlement from existing schools to be as great as that hereinbefore named, the number of children in such settlement of school age that would be accommodated thereby, with a description of such territory and designating a site for a school-house therein, if they shall be able to agree

Special  
district  
meetings.

Board to act  
as authorized by.

Relative to  
establish-  
ment of  
schools in  
new settle-  
ments.

thereon, to provide for the erection of a school-house therein, and shall provide a teacher therefor for such portion of each year not less than the time provided by law in primary school districts having the same enumeration: *Provided*, If such petitioners shall not agree upon a site for such school-house, the same shall be located by said board.

Location  
and erection  
of school-  
houses.

Issue of  
bonds for  
same.

Sec. 12. Said board shall have power, and it shall be its duty, to select and purchase such number of sites for school-houses as shall be determined in conformity with the preceding section, and in case it shall be voted to raise any sum of money by loan for any of the purposes mentioned in the preceding section, said board shall have power to issue bonds in the name of said district, signed by the president and secretary of said board, and running for a term not exceeding twenty years, providing for the payment of the sums borrowed, and bearing a rate of interest not exceeding ten per cent; which said bonds, when executed as aforesaid, shall be delivered to the lender of said money, and a statement of the sum thus voted to be raised by tax or loan to be filed with the supervisor within thirty days thereafter, which said statement shall contain a statement of the amount to be raised each year; and upon the filing of the same, the same proceeding shall be had and taken to collect the same as is by section ten of this act authorized to collect moneys voted by said board and said section, to be raised by tax, shall apply to the collecting and paying over of the moneys mentioned in this and the preceding section.

Grounds to  
be ornamented.

School-  
houses fur-  
nished.

Proviso.

Sec. 13. It shall be the duty of said board to improve and ornament the sites for such school-houses as it shall deem proper and expedient, and adopt plans for school-houses to be erected and to erect the same and furnish them in such manner as in the judgment of said board will best subserve the purposes of their erection: *Provided*, They shall not expend a sum greater than may have been voted for the above purposes at a previous meeting of the legal voters of the district, and

to borrow money on the bonds of the district as aforesaid, to pay for the same.

Sec. 14. Said board shall establish a district library in said district, and for the increase of the same shall appropriate annually such sum, not exceeding two hundred dollars in any one year, of the tax raised for school purposes, and in addition thereto all fines collected for breach of any law of this State, in said district, as shall be paid into the hands of the treasurer of said board, to be applied to the support of said library. District library.

Sec. 15. Said board shall also have full power and authority to enact by-laws and ordinances relative to the taking of the census of all children in said district between the ages of four and eighteen years; relative to making all reports and transmitting the same to the proper officers, as designated by law, so that said district shall be entitled to its share of the primary school fund; relative to the levying and collecting of rate bills; relative to supplying with books the children who are destitute of the means to procure them; relative to the grading, disciplining, and visitation of schools; relative to the course of studies and the books to be used in the schools; relative to the appointment of officers and servants in and about said schools, their powers, duties, and compensation, including a superintendent of the school of said district. Board to enact by-laws, etc., for certain purposes.

Sec. 16. Said board shall also have power to establish a high school, and prescribe the course of study for the same, and to grant such certificate of scholarship and in such form as such board may deem proper to pupils completing satisfactorily the said course of study. High school.

Sec. 17. Said school district hereby authorized shall succeed to and be entitled to demand and receive all moneys and other rights, dues, and demands, of whatsoever name or nature, belonging to the present school district in said township; and all the real and personal property belonging to the present school district in said township shall, by force of this act, become the property of said union school district hereby District to succeed to rights, etc., of former district.

organized ; and all moneys raised or being raised by tax, or accrued or accruing to said former district, shall hereby become the money of said union school district, and no tax for said district or other proceeding shall be invalidated or affected by means of this act.

Present  
officers ap-  
pointed un-  
der this act.

Sec. 18. For the purpose of carrying this law into effect, the director, moderator, and assessor of the present district are hereby appointed trustees of the union school district organized by this act, who together shall constitute the board of education until their successors shall be elected and qualified in conformity with section three of this act.

Sec. 19. This act shall take immediate effect.

Approved March 31, 1871.

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[ No. 409. ]

AN ACT to change the boundaries of certain fractional school districts of Clarence and Sheridan, in the county of Calhoun.

Boundaries  
changed.

SECTION 1. *The People of the State of Michigan enact*, That the south half of the northwest quarter of section one, and the south half of the northeast quarter of section two, be and the same hereby is detached from school district number three, fractional of Clarence and Sheridan ; and that the south half of section four, and so much of the south half of section five, and so much of sections eight and nine as belongs to school district number four, fractional of Clarence and Sheridan, be detached therefrom and put into the control of the board of school inspectors of the township of Sheridan, to be by them arranged into such district or districts, as said board of school inspectors shall judge to be for the best interest of those concerned, the same being in the county of Calhoun.

Sec. 2. This act shall take immediate effect.

Approved March 31, 1871.



## [ No. 410. ]

AN ACT to exempt the counties of Tuscola, Hillsdale, Genesee, Oakland, and Lapeer from the provisions of act number forty-three, of the session laws of eighteen hundred and sixty-nine, being an act entitled "An act to provide for the drainage of swamps, marshes, and other low lands."

SECTION 1. *The People of the State of Michigan enact, That* Counties exempted from provisions of drain law. the counties of Tuscola, Hillsdale, Genesee, Oakland, and Lapeer be and the same are hereby exempted from the provisions of act number forty-three, of the session laws of eighteen hundred and sixty-nine, being an act entitled "An act to provide for the drainage of swamps, marshes, and other low lands," the same as if said act had never been a law: *Provided, Proviso.* That the vested rights of no party or person shall be prejudiced by the provisions of this act.

Sec. 2. This act shall take immediate effect.

Approved March 31, 1871.

## [ No. 411. ]

AN ACT to amend sections one, two, three, four, five, and six, of an act entitled "An act to provide for laying out and establishing a State road in the counties of Macomb and St. Clair," being act number four hundred and two, of session laws of eighteen hundred and sixty-nine.

SECTION 1. *The People of the State of Michigan enact, That* Sections amended. sections one, two, three, four, five, and six, of an act entitled "An act to provide for laying out and establishing a State road in the counties of Macomb and St. Clair," being act number four hundred and two, of session laws eighteen hundred and sixty-nine, are hereby amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact, That* Commissioners appointed. Cortez P. Hooker, Charles Leonard, and George L. Phelps, of Macomb county, be and are hereby authorized and appointed

commissioners to lay out and establish a State road, commencing at most convenient place in or near fractional section twenty-nine, in the town of Chesterfield, in the county of Macomb; thence on the most feasible route (passing over and using any parts of highways or streets now constructed), to such a point in the northeast side line of the village of New Baltimore, as said commissioners may think best: *Provided*,

*Proviso.* That act number four hundred and two, session laws of eighteen hundred and sixty-nine, is hereby repealed, so far as relates to that portion of the road heretofore authorized to be laid out and established by said act in the county of St. Clair, and without the corporate limits of the village of New Baltimore.

*Commissioners, etc., to lay out road, etc.* Sec. 2. It shall be the duty of said commissioners to lay out, locate, and establish said road, and cause the same to be correctly surveyed; and so much of the survey and location of

*Description of road to be filed with town clerks, etc.* said road as may be embraced in either municipality shall be filed in the town clerk's office, in the township; and so much of said survey and location of said road as may be in the limits of the village of New Baltimore shall be filed in the recorder's office of said village, which survey and location shall be entered on record by the proper recording officer of each of said municipalities, and such record shall be *prima facie* evidence of the existence of said road: *Provided*, If said commissioners shall lay out said road through any private property that any objection is made thereto, or damages claimed therefor, they shall have power to agree and settle the same; but if they are unable to agree with any claimant, they shall assess the damages in accordance with the provisions of the general highway laws, and they are hereby authorized to certify the amount of all such damages and make their proper returns.

*Proviso relative to damages to private property.*

*State not liable for expense of building road.*

Sec. 3. The State shall not be chargeable for laying out or establishing said road, or for any expense or damages whatever connected therewith.

*Compensation to commissioners.*

Sec. 4. The commissioners appointed under this act shall each receive for services rendered by them two dollars per

day, together with all the expenses of hiring surveyor and help; and the cost of surveying, examining, laying out, and establishing said road, and the damages awarded (if there be any), and time and expense appraising the damage, shall be paid by the municipalities through any part of which the said road shall pass: *Provided*, That not any municipality shall be required to pay for any services rendered, damages awarded, or expenses incurred not within their respective limits. Proviso.

Sec. 5. It shall be the duty of the township highway commissioners, as well as of the common council of the village of New Baltimore, through any part of either municipality the road established by this act shall pass, to do all necessary to cause the said State road within the limits of their respective municipalities to be speedily opened, constructed, and completed; and it shall also be the duty of said highway commissioners and village council, as well as the duty of the overseers of highways in any road district, and the street commissioner of said village, through or in any part of either municipality in which any portion of said State road may be laid out and established, to work the same, or cause the same to be worked, and kept in good condition for public travel with carriages, in the same manner the other public roads in said municipalities are worked and kept in good condition for such travel. Highway commissioners to open road.

Sec. 6. To aid in the construction and improvement of said State road, the said commissioners appointed by this act are hereby authorized to receive, use, and pay out towards aiding the improvement and construction of any part of said road as much of the moneys and bonds which are now in Cortez P. Hooker's, one of the herein appointed commissioners, possession, that was heretofore voted by the electors of the village of New Baltimore to be used in aiding the construction of a portion of said road, as they, the said commissioners appointed by this act, may in their judgment think best so to use; and they are hereby authorized to cause all of said State road to be as Certain moneys and bonds to be used for building road.

Majority of  
commis-  
sioners may  
act.

Non-resi-  
dent high-  
way taxes  
appropri-  
ated.

Proviso.

expeditiously opened and as completely constructed, including necessary bridges, as they may think expedient; and it shall be their duty to superintend the opening, constructing and improvement of same, and to determine the manner in which labor shall be applied and laid out thereon. A majority of the said commissioners appointed by this act are authorized to do and perform all duties required of the said three commissioners; and to further aid in the construction and improvement of said State road there shall be appropriated all such of the non-resident highway taxes for the year eighteen hundred and seventy-one, and for five years thereafter, that may be assessed on all non-resident lands of which the largest part lies within one mile of said State road; and the said commissioners appointed by this act, are hereby authorized to collect, receive, use, and pay out all such non-resident highway taxes towards the improvement and construction of any part of said road: *Provided*, That no non-resident tax assessed in St. Clair county, without the village of New Baltimore, shall be expended on said road.

Sec. 2. This act shall take immediate effect.

Approved March 31, 1871.

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[ No. 412. ]

AN ACT to legalize bounties to certain volunteers credited to Ovid, Clinton county, and to provide for the payment of the same.

Certain  
bounties  
already  
voted de-  
clared legal.

SECTION 1. *The People of the State of Michigan enact*, That the action of the township of Ovid, Clinton county, at the annual township meeting in eighteen hundred and sixty-nine, in voting a bounty of one hundred dollars with interest from date of enlistment, to each of certain volunteers herein named as follows: James Bennett, Francis Davis, Jacob House, Sam-

uel Brags, John Dillis, Silas Perry, Wm. A. Linman, John Bromley, John Hibbard, Luke Hicks, Artemus Allen, Enos Corey, James Barnett, creditors to said township, is hereby declared legal and valid; and the supervisor of said township is authorized, and it shall be his duty, to spread the amount of said bounty yet remaining unpaid upon the tax-roll of said township, and the same amount shall be collected as other taxes are collected.

Supervisor to incorporate same in tax-roll.

Sec. 2. This act shall take immediate effect.

Approved April 5, 1871.

[ No. 413. ]

AN ACT appropriating certain non-resident highway taxes for the improvement of the Port Sanilac and Tuscola State road.

SECTION 1. *The People of the State of Michigan enact*, That all the non-resident highway taxes assessed and unexpended for the year eighteen hundred and seventy, and hereafter to be assessed for three years thereafter, on all lands lying within three miles on either side of so much of the Port Sanilac and Tuscola State road, except sections four, five, six, seven, eight, seventeen, and eighteen, in town eleven north, of range fourteen east, and sections one, twelve, and thirteen, in town eleven north, of range thirteen east, as is situated west of southeast corner of section thirty-three, town twelve north, of range fourteen east, to the west line of Sanilac county, be and the same is hereby appropriated for the improvement of said State road.

Non-resident highway tax appropriated for State road.

Sec. 2. For the purpose of improving said road, and expending the moneys appropriated by this act, William Thompson, of the township of Bridgehampton, in the county of Sanilac, is hereby appointed commissioner, whose duty it shall be to receive and expend all moneys appropriated by this act for the improvement of said road.

Commissioner appointed to receive and expend same

Same to  
give bonds,  
etc.

Sec. 3. The said commissioner, before entering upon the duties of his said office, shall take and subscribe to the constitutional oath of office, and shall execute a bond to the State of Michigan, in the penal sum of three thousand dollars, with such sureties as the treasurer of Sanilac county shall approve, conditioned that such commissioner will faithfully discharge the duties of said office, and expend all moneys received by him for the benefit of said road, as directed by this act, which oath and bond shall be filed with the treasurer of Sanilac county. He shall receive for his services while engaged in the discharge of his duties as such commissioner two dollars per day, which shall be audited by the board of supervisors of Sanilac county and paid out of the fund created by this act.

Compensa-  
tion.

County and  
township  
treasurers to  
pay over  
moneys.

Sec. 4. It shall be the duty of the treasurer of Sanilac county, and any overseer of highways, and the township treasurers within said county, to retain in their hands all such sums of money as may be received by them for non-resident highway taxes assessed within the time aforesaid upon any of the lands hereinbefore described, and pay the same only upon the order of said commissioner or his successor in office.

Removal of  
commis-  
sioner.

Sec. 5. The board of supervisors of said county of Sanilac shall have power to remove said commissioner for any neglect of duty imposed, or any misapplication of money appropriated by this act. Any vacancy in said office shall be filled by the board of supervisors of Sanilac county.

Vacancy.

Sec. 6. This act shall take immediate effect.

Approved April 5, 1871.

[ No. 414. ]

AN ACT to amend an act entitled "An act to authorize the improvement of Fort street, in the township of Springwells," and to provide for the maintenance thereof.

SECTION 1. *The People of the State of Michigan enact, That* Sections amended.  
sections one, two, six, seven, nine, ten, and eleven, of act number four hundred and sixteen, of the session laws of eighteen hundred and sixty-nine, be and the same are hereby amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact, That* "Fort Street Improvement Board"  
two commissioners, who shall be freeholders, one of whom shall be a resident of the township of Springwells, and a civil engineer, all to be appointed as hereinafter provided, shall constitute a board to be known as the "Fort Street Improvement Board," and said board are authorized and required to improve Fort street, as hereinafter provided, from the western boundary of the city of Detroit to the Dearborn road, in the township of Springwells.

Sec. 2. It shall be the duty of the Governor forthwith to Governor to appoint board, etc.  
appoint competent persons to constitute said board, and to remove any member or members thereof when, in his judgment, it shall be expedient so to do, and also to fill any vacancy that may occur by reason of such removal or otherwise.

Sec. 6. After the work shall have been performed by the Issue of bonds by township to construct street.  
contractors according to the plans and specifications, and after the same shall have been accepted as finished work by the board, it shall be the duty of the board to notify the township board of said township of Springwells of such acceptance, and such township board, on receiving such notice, shall issue the bonds of said township, with interest coupons attached, signed by the supervisor and township clerk of said township, bearing interest at seven per cent per annum, such interest payable annually on the first day of February in each year, and the amount of such interest to become due annually shall be spread upon the tax-roll of the said township for the year

preceding the one in which such interest shall become due, as a part of the township taxes for such year, and shall be levied and collected in the same manner as other township taxes.

Limit of  
issue.

Such bonds shall not exceed in amount the entire cost of constructing said road and the incidental expenses connected therewith, which amount shall not exceed the sum of twelve

Time of pay-  
ment.

thousand and five hundred dollars, and shall be payable at such times as said township board may determine, not less than five and not exceeding ten years from the date thereof; and the said township board shall deliver said bonds to the contractors or other persons entitled to receive the same, in such sums as said board of commissioners shall in writing determine to be entitled to the same.

Assessment  
district and  
assessment  
of street tax

Sec. 7. The land fronting on said Fort street, and situated between the westerly line of the city of Detroit and the Dearborn road, shall constitute an assessment district upon which the said board shall assess the expense of constructing said road and of improving and draining the same as aforesaid, together with the charges of said board for services and other necessary expenses, in such proportion as they shall deem just according to the benefit which will accrue to each parcel thereof; and it shall be the duty of the board to prepare an assessment roll describing the lands so assessed and the amount assessed on each description, together with a plat of the lands so assessed, which roll shall be signed by said commissioners and filed in the office of the township clerk, and a copy thereof, duly verified by said commissioners, shall be filed with the treasurer of the county of Wayne; and the amount assessed by said board on each parcel of land shall be a lien on such from the time of filing said roll in said clerk's office until the same is fully paid.

Assessment  
and col-  
lection of  
taxes to pay  
bonds.

Sec. 9. It shall be the duty of the supervisor of said township, the year preceding the maturity of any of the bonds issued in pursuance of this act, to place upon the assessment roll of said township a special tax for the amount of the prin-



cipal of said bonds, and the same shall be spread upon the lands in said assessment roll prepared by said commissioners, and on file as hereinbefore provided, and the subdivisions thereof, provided for in section eight of this act, and in the proportions therein settled, and said tax so assessed shall be collected, and the collection thereof enforced, in the same manner as other township taxes: *It is however provided*, That the lien for the amount assessed for building said road upon any parcel of land may at any time be extinguished by the payment of the amount so assessed to the treasurer of said town of Springwells, either in money or in bonds issued under this act, in which case no tax shall be assessed upon the same parcel under the provisions of this section; and on the payment of such tax it shall be the duty of the township treasurer forthwith, in writing, to report the payment of such tax and the description of the land on which the same is paid to the county treasurer, and it shall be the duty of the county treasurer to enter upon said assessment roll in his office as aforesaid the payment of said assessment upon such parcel.

Sec. 10. The said Fort street improvement board shall cause said road to be kept in good repair, and material shall be applied thereon from time to time as required, to maintain said road in good condition; and said board are authorized, in their discretion, to levy tolls (not exceeding those authorized by section one thousand nine hundred and nine of the compiled laws, with the exemptions contained in section one thousand nine hundred and ten of the compiled laws of this State) on all persons traveling over said road; and the amount of all tolls thus collected, less the expense of collecting the same, shall be applied toward the expense of maintaining said road in good order; and the cost of labor and material for such repairs, which shall not be derived by tolls, shall be provided for by the township board, and the amount thereof shall be raised by tax on the real and personal property of said assessment district on the line of Fort street, as hereinbefore provided.

Extinguishment of street tax lien.

Road to be kept in repair.

Board may levy tolls.

Tolls to be expended on road.

Compensation of members of board and payment of same.

Sec. 11. The members of said board, with the exception of the civil engineer, shall be entitled to the same per-diem compensation now authorized by existing laws to be paid to the supervisor of said township for services in other township business, and the civil engineer shall be entitled to five dollars per day when actually employed on the duties of said board; and it shall be the duty of the board to report in writing to the township board the number of days each member thereof has actually been engaged in the business connected with the improvement of said Fort street. The amount of said services, up to the time when said road is accepted, shall be included as a part of the expenses of constructing said road, and shall be included in the amount for which bonds shall be issued as aforesaid, and the amount of subsequent services shall be paid as other town charges are; but nothing in this act contained shall be construed to authorize any tax for any part of the original cost and expenses of said improvement, upon property not specified in the assessment roll of said Fort street improvement board as benefited; nor shall anything in this act exempt from other highway taxes any property assessed as aforesaid for improvement of said Fort street.

Sec. 2. This act shall take immediate effect.

Approved April 5, 1871.

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[ No. 415. ]

AN ACT to change the name of Edna F. Flowers to Edna F. June, and to constitute her heir-at-law of David June.

Name changed.

SECTION 1. *The People of the State of Michigan enact*, That the name of Edna F. Flowers be and the same is hereby changed to Edna F. June, and that she be constituted the heir-at law of David June.

Sec. 2. This act shall take immediate effect.

Approved April 8, 1871.

[No. 416.]

AN ACT to provide for laying out and constructing the Flint river State Road in Saginaw and Genesee counties, and appropriating certain non-resident highway taxes therefor.

SECTION 1. *The People of the State of Michigan enact, That* John Barter, of Saginaw county, be and he is hereby appointed commissioner to lay out and establish a State road from the southeast corner of section twenty-five, in town numbered nine north, of range numbered four east, thence north on the township line between Maple Grove, Montrose, Taymouth, and Albee, Bridgeport and Spaulding, to the northwest corner of section six, in town number eleven north, of range number five east.

Commissioner appointed to lay out road.

Line of road.

Sec. 2. That the highway taxes upon the non-resident lands lying for two miles on each side of the line of said road, in the townships of Bridgeport, Spaulding, Taymouth, Albee, Montrose, Maplegrove, be and the same are hereby appropriated for the construction of said road and the necessary expenses of laying out and establishing the same for a period of three years from the first day of January, one thousand eight hundred and seventy-one, to be expended as hereinafter provided.

Non-resident highway tax appropriated.

Sec. 3. It shall be the duty of the county treasurer of Genesee and Saginaw counties, and any overseer of highways within any township through which such road may run, or any township treasurer thereof, who shall receive any portion of such non-resident highway tax, to retain in his hands all such sums of money as may be received by him for non-resident highway taxes within the time aforesaid, on any of the lands hereinbefore mentioned, and to pay out the same only upon the demand or orders of such commissioner or his successor, and to pay over all such moneys as shall come into their hands respectively, to said commissioner or his successor, on their order or demand, and the receipt of said commissioner shall release any such overseer or treasurer from any

Moneys to be paid over to commissioner.

liability therefor; and if any such officer shall neglect or refuse to pay over such money on demand, said commissioner may, and it shall be his duty to bring suit for and recover such money in his own name in any court of either of said counties having jurisdiction thereof.

Surveyor,  
etc., to be  
employed to  
locate road.

Survey of  
route to be  
filed with  
township  
clerks.

Sec. 4. The said commissioner is authorized and empowered to employ a surveyor and such assistants as may be necessary to locate, survey, and establish the line of said road; and when such line shall have been established, a full description of the route and survey thereof shall be filed by such commissioner with township clerk of each town through or along the line of which said road shall pass, and also with the county treasurer of Saginaw and Genesee counties, and also to make out and file with the county treasurers of the counties of Saginaw and Genesee, a description by sections or subdivisions of all non-resident land lying two miles on each side of the line of said road, within the limits of the townships of Montrose, Maplegrove, Taymouth, Albee, Bridgeport, and Spaulding.

Expenditure  
of moneys.

Proviso.

Sec. 5. It shall be the duty of such special commissioner to superintend the expenditure such sum of money as may be collected and received by him, for the benefit and improvement of said road, and direct the manner the same shall be applied: *Provided*, That the said special commissioner shall lay out said road in accordance with the provisions of the general highway laws, so far as the same relates to assessing damages to private property over which said road may pass.

Annual re-  
port of com-  
missioner.

Sec. 6. It shall be the duty of said special commissioner to render to the board of supervisors of the counties of Saginaw and Genesee, at their annual sessions in each year, a true account, verified by his oath or affidavit, of the application and disbursement of all moneys that he may have received for constructing said road.

Sec. 7. Before the said special commissioner shall enter upon the duties of his office, he shall execute to and file with the treasurers of Saginaw and Genesee counties a bond, with one or more sureties, to be approved by said treasurer, in double the amount estimated to come into his hands from the counties respectively, by virtue of his office, conditioned for the faithful performance of his duties as such commissioner. Same to execute bonds.

Sec. 8. The said special commissioner shall receive as compensation for his services two dollars per day while actually engaged as such commissioner, which amount shall be audited by the board of supervisors of Saginaw county, and paid out of the fund created by this act; and the account of said commissioner shall be verified by his oath or affidavit. Compensation of commissioner.

Sec. 9. In case the above mentioned commissioner shall not accept of the appointment under this act, or any vacancy shall occur in the office of said special commissioner, or the commissioner shall be removed for any cause at any time, the county clerk, prosecuting attorney, and judge of probate of Saginaw county, or a majority of them, are hereby authorized to remove said special commissioner upon a satisfactory showing that he has not discharged the duties of said office properly, and may appoint a special commissioner to fill such vacancy. Vacancy and removal.

Sec. 10. This act shall take immediate effect.

Approved April 8, 1871.

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[ No. 417. ]

AN ACT giving the auditors of Wayne county a salary.

SECTION 1. *The People of the State of Michigan enact, That* each auditor of Wayne county shall receive a salary of one thousand dollars per annum, to be paid quarterly from the county treasury, which said sum shall be in full for all services and expenses and traveling fees in attending upon the duties of his office. Any auditor receiving further or other compensa- Salary of auditors.

tion for his services, or expenses, or traveling fees in attending to the duties of his office, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars.

Conflicting  
acts repealed

Sec. 2. All acts and parts of acts in any way conflicting with the provisions of this act are hereby repealed.

Approved April 12, 1871.

[No. 418.]

AN ACT to provide for the construction of a State road in the counties of Isabella, Midland, and Clare.

Commis-  
sioner ap-  
pointed.

SECTION 1. *The People of the State of Michigan enact*, That John L. Barnard be and is hereby appointed commissioner, with full power and authority to lay out, establish, and improve a State road, commencing at the station of the Flint and Pere Marquette railroad company on section nine (9), in township sixteen (16) north, of range three (3) west, and running thence north upon or as near as practicable to the section line through the center of townships sixteen, seventeen (17), and eighteen (18) and nineteen (19) north, of range three west, to the Cedar river, and thence north to intersect the Midland, Houghton Lake, and Grand Traverse State road.

Line of road.

Surveyor  
to be em-  
ployed to  
locate road.  
Survey of  
route to be  
filed with  
county  
clerks.

Sec. 2. The said commissioner is authorized and empowered to employ a surveyor and such assistants as may be necessary to locate, survey, and establish the line of said road; and when such line shall have been established, a full description of the route and survey thereof shall be filed by such commissioner with the county clerk of the counties of Isabella and Midland.

Non-resi-  
dent high-  
way tax  
appropri-  
ated.

Sec. 3. The non-resident highway taxes assessed in towns sixteen (16), seventeen (17), eighteen (18), nineteen (19), and twenty (20) north, of range three west, for the period of three

years from the passage of this act, shall be and the same are hereby appropriated for the improvement of said road and the payment of the expenses necessarily incurred in laying out and establishing the same; and it shall be the duty of said commissioner to expend the same for the purposes aforesaid from time to time as it shall be collected, and to direct and determine the manner in which the same shall be done.

Sec. 4. It shall be the duty of the county treasurer of the counties of Isabella and Midland, and Clare, if organized during such period, and any overseer of highways, and the township treasurers within said counties, to retain in their hands all such sums of money as may be received by them for non-resident highway taxes assessed within the time aforesaid on any of the lands hereinbefore mentioned, and to pay the same only upon the order of the said commissioner or his successors.

Highway moneys to be paid over to commissioner.

Sec. 5. It shall be the duty of said commissioner and his successors in office to render to the board of supervisors of Isabella and Midland counties, and on the organization of Clare, then to the board of supervisors of Isabella and Clare counties, at their annual session in each year, and at such other times as the boards may require, a full and true account of all moneys drawn by him to be applied on said road, the amount drawn by such officer, and the manner in which the same has been applied.

Commissioner to render annual account

Sec. 6. The said commissioner, before entering upon the duties of his office, shall take and subscribe the constitutional oath of office, and shall execute a bond to the people of this State in the penal sum of two thousand dollars, with such sureties as the treasurer of Isabella county shall approve, conditioned that such commissioner will faithfully discharge the duties of said office, and expend all moneys received by him for the benefit of said road as directed by this act, which bond and oath shall be filed with the treasurer of Isabella county; and such commissioner shall receive for his official service as such, three dollars per day while so engaged, which shall be

Same to execute bonds.

Compensation of commissioner.

audited by the board of supervisors of Isabella county, and on the organization of Clare county, then by the board of supervisors of Clare county, and paid out of the fund created by this act.

Removal  
from office.

Sec. 7. If the said commissioner shall neglect or refuse to perform any of the duties of his said office, or shall misapply any of the funds appropriated by this act, it shall be competent for the Governor forthwith to remove him from said office, and the vacancy in said office may be filled by the Governor.

Name of  
road.

Sec. 8. Said road shall be known as the Isabella and Cedar river State road.

Sec. 9. This act shall take immediate effect.

Approved April 12, 1871.

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[ No. 419. ]

AN ACT to provide for the laying out and constructing a State road in Isabella county.

Commis-  
sioner ap-  
pointed.

SECTION 1. *The People of the State of Michigan enact, That* Amos F. Albright be and is hereby appointed commissioner with full power and authority to lay out, establish, and improve

Line of road. a State road commencing at the point on the south line of Isabella county where the Montcalm and Gratiot State road intersects the south line of said county, and near the center thereof, running thence northerly by the most eligible route to the geographical center of said county, thence northerly and westward, crossing the north branch of the Chippewa river at or near Albright's dam, and reaching the north line of said county at or near the southwest corner of section thirty-six, in town seventeen north of range five west.

Survey of  
road and  
filing of  
description.

Sec. 2. Said commissioner is authorized and empowered to employ a surveyor and such assistance as may be necessary, and to locate, survey, and establish the line of said road ; and



when said line shall have been established, a full description of the route and survey thereof shall be filed by said commissioner with the county clerk of Isabella county.

Sec. 3. The non-resident highway taxes assessed and unexpended for the year eighteen hundred and seventy, and hereafter to be assessed and collected for four years thereafter, on the strip of land two miles wide on each side of said road, shall be and the same are hereby appropriated for the laying out and constructing said road, and it shall be the duty of said commissioner to receive and expend the same for the purpose aforesaid.

Non-resident highway tax appropriated.

Sec. 4. The said commissioner, before entering on the duties of his office, shall take and subscribe the constitutional oath of office, and shall execute a bond to the people of the State of Michigan in the penal sum of two thousand dollars, with sureties to be approved by the treasurer of the county of Isabella, conditioned that said commissioner will faithfully discharge the duties of said office and expend all moneys received by him for the benefit of said road as directed by this act, which oath and bond shall be filed with the treasurer of the county of Isabella. He shall receive for his services while engaged in the discharge of his official duties as commissioner two dollars per day, which shall be audited by the board of supervisors of the county of Isabella, and paid out of the fund created by this act.

Commissioner to execute bonds, etc.

Compensation of commissioner.

Sec. 5. In all cases where damages may be claimed by reason of the laying out and establishing said road, the same proceedings shall be had thereon as may be required by law for the assessment of damages in case of roads laid out by highway commissioners.

Damages.

Sec. 6. It shall be the duty of the county treasurer of Isabella county, and any overseer of highways or township treasurer within said county, to retain in their hands all such sums of money as may be received by them for non-resident highway taxes assessed within the time aforesaid on any of the

Officers to pay highway tax to commissioner.

lands hereinbefore mentioned, and to pay the same only upon the order of the said commissioner or his successors.

Commis-  
sioner to  
render ac-  
count to su-  
pervisors.

Sec. 7. It shall be the duty of said commissioner, or his successors in office, to render to the board of supervisors of Isabella county, at their annual session in each year, and at such other times as they may require, a full and true account of all moneys drawn by him under the provisions of this act, and the manner in which the same has been applied.

Vacancy and  
removal  
from office.

Sec. 8. If said commissioner fails to perform or neglects the proper discharge of his duties as herein specified, the Governor shall have power, and it shall be his duty, to remove him and appoint another in his stead; and the Governor shall have power to fill any vacancy that may occur in said office.

Sec. 9. This act shall take immediate effect.

Approved April 12, 1871.

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[ No. 420. ]

AN ACT to amend certain sections of an act entitled, "An act to organize union school district of Bay City."

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections two, three, four, five, six, nine, and nineteen of an act entitled "An act to organize union school district of Bay City," approved March twenty, eighteen hundred and sixty-seven, be and the same is hereby amended so that the same shall read as follows :

Board of  
education.

Sec. 2. The board of education of said district shall consist of ten members, five of whom shall be elected at each annual spring election. They shall hold their office for two years and until their successors are elected and qualified. One member shall be elected each year at said spring election, from each of the wards of said city. The manner of conducting the election of members of said board, and canvassing votes, shall be the same as provided in the charter of said city for the election of mayor, or other city officers elected at the general

Election of  
same.

city election. *Provided*, That the present members of said Proviso. board shall continue to hold their offices as members of said board until the first Monday of April, in the year one thousand eight hundred and seventy-two, and until their successors are elected and qualified.

Sec. 3. Within ten days after the annual election, the mem- Qualification bers of said board elected thereat shall file an oath of office with the recorder of Bay City, and shall, within fifteen days after said election, elect a president from their own number.

Sec. 4. The superintendent of the public schools of said Superintendent of schools. district shall be clerk of said board, and shall perform such duties as the board of education may reasonably require, but shall not be entitled to a vote therein; and in case of a vacancy in the office of superintendent, or of his absence, the board may appoint some one of their own number to perform the duties of such clerk while such vacancy or absence may continue.

Sec. 5. In case any vacancy shall occur in the office of mem- Vacancy in board. ber of said board, the secretary shall notify the mayor of Bay City thereof, and the mayor shall cause an election to be held to fill the same, and the like notice of such election shall be given, and the same shall be conducted in the manner provided in the charter of said city for other special elections of officers of said city.

Sec. 6. The treasurer of Bay City shall be treasurer of said City treasurer to be treasurer of school board. board, and shall keep all moneys belonging to the school fund of said district, separate from the moneys of said city in his possession, and shall not pay out or expend any of such money without the authority of said board. The treasurer, before To give bonds. entering upon the duties of his office, shall give a bond to said district in double the amount of money that is likely to come into his hands, as near as may be ascertained, with two or more sufficient sureties, to be approved by said board, conditioned for the faithful performance of the duties of his office, and the proper care and application of the funds that shall come into

- his hands as such treasurer. Said treasurer shall deposit the school funds in his possession in such bank in Bay City, or with such person or corporation in said city, as will pay the greatest amount of interest, and shall give good and sufficient security, by bond, with at least five responsible and sufficient sureties, to be approved by the school board, conditioned that the funds so deposited shall be paid as needed in the management of said district, and as ordered by said board: *Provided*, Said treasurer shall in July in each year invite proposals for such deposits, by publishing notice for such deposits in one or more newspapers published in said city for four successive weeks, and the person or corporation offering the largest amount of interest, and who shall comply with this section, shall receive such deposits: *And provided further*, That all interest accruing and received from such deposits shall be added to the school fund of said district.
- Sec. 9. Said board shall have the power and it shall be their duty annually to determine by vote, which shall be entered in the records of their proceedings, the amount of money necessary to be raised by tax on the property of said district to defray the expenses of the schools of said district for the current year, and the amount to pay the interest and principal of any debt due within such year for such district, to build or repair any school house in said district, and to file with the recorder of said city, on or before the last Saturday preceding the first day of June in each year, a statement in writing of the sums so voted, and the common council of Bay City shall cause the same to be assessed on said property in the first general tax-roll thereafter made, and the assessment of such tax for said district shall be in a separate column in said roll, and the same shall be collected at the same time and in the same manner as the other taxes in said roll mentioned: *Provided*, That the amount which may be raised by tax in any one year for the expense of schools of said district, exclusive of such sums as may be required to pay the principal and interest of

Deposit of money.

Proviso.

Proviso.

Board to determine amount of school tax.

Same to be assessed in general roll.

Proviso limiting tax.

the present funded debt of said district, shall not exceed the sum of two and one-half per cent on the assessed valuation of said district, according to the assessment of the previous year.

Sec. 19. An act entitled "An act to amend an act entitled Act repealed an act to organize union school district of Bay City," approved March twenty, eighteen hundred and sixty-nine, is hereby repealed.

Sec. 2. This act shall take immediate effect.

Approved April 12, 1871.

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[ No. 421. ]

AN ACT to constitute the president and board of trustees of the village of Bellevue the commissioners of highways thereof, and to make the street commissioners the overseers of highways of said village, and to create a board of control for bridges within said village.

SECTION 1. *The People of the State of Michigan enact, That* village board to be commissioners of highways. the president and board of trustees of the village of Bellevue shall be the commissioners of highways within the limits of said village, and as such may exercise all the powers that now are granted to commissioners of streets and highways in the several townships of the State, except as hereinafter provided, and may at any time exercise the power of ordering fences and other incumbrances to be removed, or of opening, discontinuing, widening, and extending any highway, street, alley, or lane within said village; and the street commissioners of said Street commissioners to be overseers of highways. village shall possess the same power over the streets in said village as overseers of highways elected at township meetings; and it shall be the duty of the president and trustees aforesaid to divide said village into three road districts: *Provided, That* Proviso. in case of the opening, discontinuing, widening, or extending any such highway, street, alley, or lane, the same shall be done according to and in the manner provided by sections two thousand one hundred and twenty-four, of chapter seventy-

two, of the compiled laws, for laying out, establishing, opening, making, and altering streets, lanes, alleys, sidewalks, highways, water-courses, and bridges.

Board of  
control for  
bridges.

Sec. 2. The building and repairing of all bridges or culverts, and approaches thereto, which are or may hereafter be erected on any street extending through said village, which street was, prior to the incorporation of said village, a public highway, shall be placed under the control of a board, which shall consist of the president, treasurer, and one of the assessors of said village, and the highway commissioners of the township of Bellevue, and that any money which may be raised for the building or repairing of such bridges, culverts, or approaches shall be assessed by the supervisor of the township upon the property of the township, the same as though the village of Bellevue had no incorporate existence: *It is further provided,* That if the line of the original highway be changed, by or with the consent of the majority of the board constituted by this section, the provisions of this act shall continue to have full force and application to the highway, the same as though the line thereof had not been changed.

Proviso.

Sec. 3. This act shall take immediate effect.

Approved April 13, 1871.

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[ No. 422. ]

AN ACT to amend section one, of act number two hundred and sixty-seven, of session laws of eighteen hundred and sixty-nine, being an act entitled "An act to amend act number three hundred and ninety-seven, of the session laws of eighteen hundred and sixty-seven, entitled 'An act to amend act number three hundred and one, of the session laws of eighteen hundred and sixty-five,' being an act entitled 'An act to regulate the tolls on plank roads in Bay, Gratiot, and Saginaw counties.'"

Sections  
amended.

SECTION 1. *The People of the State of Michigan enact,* That act number two hundred and sixty-seven, of the session laws

of eighteen hundred and sixty-nine, entitled "An act to amend act number three hundred and ninety-seven, of the session laws of eighteen hundred and sixty-seven, entitled 'An act to amend act number three hundred and one, of the session laws of eighteen hundred and sixty-five,' being an act entitled 'An act to regulate the tolls on plank roads in Bay, Clinton, Gratiot, and Saginaw counties,'" be and the same is amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact, That* <sup>Rates of tolls regulated.</sup> all plank road companies now existing or hereafter to be organized, having plank roads now constructed or hereafter to be constructed, in whole or in part, within the counties of Bay, Clinton, Gratiot, Tuscola, and Saginaw, shall be entitled to charge and receive the following rates of toll, that is to say: At a rate not exceeding four cents per mile for any vehicle, carriage, sled, or sleigh drawn by two animals, and two cents per mile for every sled, sleigh, carriage, or other vehicle drawn by one animal; if any sled, sleigh, carriage, or vehicle is drawn by more than two animals, two cents per mile may be added for every such additional animal; for sheep or swine driven over such road, one-half cent per score per mile may be charged; two cents per mile may be charged for each score of neat cattle led or driven over such road; and for every horse and rider, or led horse, two cents per mile; and any such plank road company may charge double the above specified rates on all wagon loads the weight of which shall exceed two and a half tons, except when such loads shall be drawn upon wagons with tires not less than three inches in breadth: *Pro-Provided,* That the provisions of this act shall not be construed to apply in any manner whatever to that portion of the plank road lying between the cities of Flint and East Saginaw, commonly known as the Genesee and Saginaw plank road that lies within the county of Genesee.

Sec. 2. This act shall take immediate effect.

Approved April 13, 1871.

[ No. 423. ]

AN ACT to authorize the supervisor of the township of Alabaster, in the county of Iosco, to make out a new tax-roll for said township for the year eighteen hundred and seventy, and to extend the time for the collection of taxes thereon and the return thereof.

Making of  
new tax-roll  
authorized.

SECTION 1. *The People of the State of Michigan enact, That* the supervisor of the township of Alabaster, in the county of Iosco, is hereby authorized to make out a new tax-roll for said township for the year eighteen hundred and seventy, and to extend thereon the same taxes authorized by law to be extended on the old roll, and said new roll shall in all respects be as valid as though it had been made at the time required by the general law of this State, and shall in all respects, except as to time, be made in accordance with said law.

Basis of  
valuation.

Sec. 2. Said new roll shall be based upon the valuation made prior to the making of the old roll, as corrected and equalized, and not upon any new assessment or valuation.

Time for  
collection  
extended.

Sec. 3. The time for the collection of the taxes spread upon said new roll shall be and hereby is extended until the first day of May, eighteen hundred and seventy-one.

Taxes paid  
on old roll  
to be credit-  
ed on new.

Sec. 4. All taxes paid upon the old roll shall be credited on the new roll, as paid thereon, and in all things not inconsistent with the provisions of this act, said roll shall be made out, certified, collected, and returned in the manner required by the general statutes of this State relating thereto.

Return of  
roll.

Sec. 5. Said roll shall be returned by the township treasurer to the county treasurer on or before the first day of June, eighteen hundred and seventy-one, and said county treasurer shall make his return thereof to the Auditor General on or before the first day of July, eighteen hundred and seventy-one, and shall be by him received and accounted for in the same manner as though the same had been returned at the time required by the general statute relating thereto.

Treasurer to  
renew bond.

Sec. 6. It shall be the duty of the treasurer of said township, before he shall be entitled to the benefits of this act, to renew



his official bond, to the satisfaction of the treasurer of said county of Iosco.

Sec. 7. This act shall take immediate effect.

Approved April 13, 1871.

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[ No. 424. ]

AN ACT to repeal act number two hundred and seventy-one, of the session laws of eighteen hundred and forty-eight, being an act entitled "An act to incorporate the Flint and Fentonville plank road company," approved April third, eighteen hundred and forty-eight.

SECTION 1. *The People of the State of Michigan enact, That* Act repealed act number two hundred and seventy-one, of the session laws of eighteen hundred and forty-eight, being an act entitled "An act to incorporate the Flint and Fentonville plank road company," approved April third, in the year of our Lord one thousand eight hundred and forty-eight, be and the same is hereby repealed.

Sec. 2. This act shall take immediate effect.

Approved April 13, 1871.

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[ No. 425. ]

AN ACT to detach certain real estate from school district number one, fractional of Parma, Sandstone, Concord, and Spring Arbor, and attaching the same to school district number three of Parma.

SECTION 1. *The People of the State of Michigan enact, That* the west half of section twenty-six, of the township of Parma, in the county of Jackson, be detached from school district number one, fractional of Parma, Sandstone, Concord, and Spring Arbor, and attached to school district number three of the township of Parma, in said county of Jackson.

Sec. 2. This act shall take immediate effect.

Approved April 13, 1871.

[ No. 426. ]

AN ACT to confirm the title of certain cemetery property within the city of Saginaw, in Saginaw county, and authorizing the common council of said city to sell the same.

Title confirmed.

SECTION 1. *The People of the State of Michigan enact*, That all the title and interest of the board of health of the township of Saginaw in and to the cemetery, or burying ground, within the city of Saginaw, and described as follows, viz: bounded on the northeast side thereof by Emerson street, and on the west side by fractional block seventy-seven, the end of Wayne street, block eighty-one, the end of King street, fractional block eighty, and Queen street, according to the plat of said city of Saginaw, on the south by-lands owned by Barnard & Binder, and on the easterly side by the bayou adjacent thereto, be and the same is hereby vested in the city of Saginaw.

Common council authorized to sell.

Sec. 2. The common council of said city of Saginaw is hereby authorized, by a vote of two-thirds of the aldermen elect, to sell said cemetery or burying ground whenever said common council may deem proper; and the mayor and recorder, on such sale being authorized and approved as aforesaid, be and they are hereby authorized to make and execute all necessary conveyance thereof.

Mayor and recorder to execute deed

Sec. 3. This act shall take immediate effect.

Approved April 13, 1871.

[ No. 427. ]

AN ACT authorizing the common council of the city of East Saginaw to make a re-assessment to defray the expense of a public improvement on Genesee street in said city.

Preamble.

*Whereas*, The common council of the city of East Saginaw, on or about the twenty-second day of June, in the year of our Lord one thousand eight hundred and sixty-eight, to provide for a public improvement on Genesee street, in said city, passed a resolution in words and figures following, to wit:

*Resolved by the common council of the city of East Saginaw, Idem.*

That the paving of Genesee street from Water street to the center of Franklin street, in said city, with the Nicholson pavement, as petitioned for by property owners and freeholders of said city, is deemed and hereby declared a necessary public improvement, said improvement not requiring the taking of private property therefor, it is therefore hereby ordered that said Genesee street be improved by paving said street with the Nicholson pavement from Water street to the center of Franklin street, in said city, the expense thereof to be assessed upon the owners and occupants of houses and lands to be benefited thereby, as provided in title six of the act to incorporate the city of East Saginaw ;

*And whereas,* Such proceedings were thereupon and thereafter had by said common council in respect to such improvement, that on or about the first day of August, in the year of our Lord one thousand eight hundred and sixty-eight, the controller of said city, pursuant to the direction of said common council, entered into a contract, on behalf of said city, with Smith, Cook & Co. for the performance of said work ;

*And whereas,* After the letting of said contract, such further proceedings were had in respect to such improvement by said common council that, for defraying the expense thereof, an assessment was made and an assessment roll made out and returned to the said common council and by them ratified and confirmed on or about the twenty-sixth day of October, in the year of our Lord one thousand eight hundred and sixty-eight ;

*And whereas,* The said Smith, Cook & Co. performed the said contract on their part, and received therefor orders drawn on the special assessment fund created for said improvement, only a part of which orders have been paid ;

*And whereas,* A part only of the taxes assessed upon the real estate mentioned and described in said assessment roll have been paid, and the residue thereof remains unpaid ;

*And whereas,* The said assessment has been declared null and void, for the reason (among others) that the votes of all the members of said common council present, and voting upon various and sundry of the resolutions and other acts and proceedings of the said common council in respect to such improvement, were not entered at large upon the minutes of the proceedings of said common council, as required by the charter of said city;

*And whereas,* The said improvement for which the said assessment was made has been fully completed, and it is just and equitable that the expense thereof should be paid by the owners of the real estate benefited thereby, and that the same should not be a charge upon all of the taxable property of said city; now therefore,

Reassessment  
authorized.

SECTION 1. *The People of the State of Michigan enact,* The common council of the city of East Saginaw, for the purpose of defraying the cost and expense of said above mentioned improvement, are hereby authorized and empowered, and it shall be their duty, to determine, declare, and set forth all lots, blocks, and lands benefited thereby, and to cause to be reassessed upon the owners and occupants of houses and lands so benefited, such sum as the city surveyor of said city may determine and certify to be the actual cost and expenses of said improvement, exclusive of interest, and also exclusive of the cost of paving street intersections, and such re-assessment shall be made substantially in the manner provided for making original assessments of like nature by the existing charter of said city, so far as the same relates to proceedings to be had subsequent to letting the contract for the performance of work on a public improvement, except as modified by this act.

Moneys  
already paid  
to be credited.

Sec. 2. Such sums as have heretofore been paid towards said improvement (upon houses and lands included in such re-assessment) shall be applied, under direction of the common council, to the credit of the persons and property on account of which the same were paid, and in case the credit

shall exceed the sum re-assessed against such persons and property as herein provided for, the council shall cause such excess to be refunded to the party who made payment thereof. All the provisions of said charter relative to the making, collection, and return of special assessments shall apply to the re-assessment hereby authorized to be made, except as herein otherwise provided.

Sec. 3. The common council of the said city of East Saginaw are hereby authorized to provide for the payment of the <sup>Issue of bonds authorized.</sup> cost of intersections of streets upon said improvement, by issuing the bonds of said city, or in such other manner as they may deem proper, and they shall also provide for the payment of the sum assessed and collected under the provisions of this act, to the said contractors or their assigns, to the amount of the unpaid portion of the contract price, upon the surrender of the orders heretofore issued therefor.

Sec. 4. This act shall take immediate effect.

Approved April 13, 1871.

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[ No. 428. ]

AN ACT authorizing the common council of the city of East Saginaw to make a re-assessment to defray the expense of a public improvement on Water street in said city.

*Whereas*, The common council of the city of East Saginaw, <sup>Preamble.</sup> on or about the twenty-second day of June, in the year of our Lord, one thousand eight hundred and sixty-eight, to provide for a public improvement on Water street in said city, passed a resolution in words and figures following, to wit:

*Resolved by the common council of the city of East Saginaw*, That the paving of Water street from Tuscola street to German street in said city, with the Nicholson pavement, as petitioned for by property-owners and freeholders of said city, is deemed and hereby declared a necessary public improvement,

Preamble. said improvement not requiring the taking of private property therefor, it is therefore hereby ordered that said Water street be improved by paving said street with the Nicholson pavement from Tuscola street to German street in said city, the expense thereof to be assessed upon the owners and occupants of houses and lands to be benefited thereby, as provided in title six of the act to incorporate the city of East Saginaw ;

*And whereas,* Such proceedings were thereupon and thereafter had by said common council in respect to such improvement, that on or about the first day of August, in the year of our Lord one thousand eight hundred and sixty-eight, the controller of said city, pursuant to the direction of said common council, entered into a contract on behalf of said city with Smith, Cook & Co. for the performance of said work ;

*And whereas,* After the letting of said contract, such further proceedings were had in respect to such improvement by said common council that for defraying the expense thereof an assessment was made, and an assessment roll made out and returned to the said common council and by them ratified and confirmed on or about the thirtieth day of November, in the year of our Lord one thousand eight hundred and sixty-eight ;

*And whereas,* The said Smith, Cook & Co. performed the said contract on their part, and received therefor orders drawn on the special assessment fund created for said improvement, only a part of which orders have been paid ;

*And whereas,* A part only of the taxes assessed upon the real estate mentioned and described in said assessment roll have been paid, and the residue thereof remains unpaid ;

*And whereas,* The said assessment has been declared null and void, for the reason (among others) that the votes of all the members of said common council present, and voting upon various and sundry of the resolutions and other acts and proceedings of the said common council in respect to such improvement, were not entered at large upon the minutes of the proceedings of said common council, as required by the charter of said city ;

*And whereas,* The said improvement for which the said assessment was made has been fully completed, and it is just and equitable that the expense thereof should be paid by the owners of the real estate benefited thereby, and that the same should not be a charge upon all the taxable property of said city; now therefore,

SECTION 1. *The People of the State of Michigan enact,* The <sup>Reassess-</sup> common council of the city of East Saginaw, for the purpose <sup>ment au-</sup> of defraying the cost and expense of said above mentioned <sup>thorized.</sup> improvement, are hereby authorized and empowered, and it shall be their duty, to determine, declare and set forth all lots, blocks, and lands benefited thereby, and to cause to be re-assessed upon the owners and occupants of houses and lands so benefited, such sum as the city surveyor of said city may determine and certify to be the actual cost and expenses of said improvement, exclusive of interest, and also exclusive of the cost of paving street intersections, and such re-assessment shall be made substantially in the manner provided for making original assessments of like nature by the existing charter of said city, so far as the same relates to proceedings to be had subsequent to letting the contract for the performance of work on a public improvement, except as modified by this act.

Sec. 2. Such sums as have heretofore been paid towards said <sup>Moneys</sup> improvement (upon houses and lands included in such <sup>already paid</sup> re-assessment) shall be applied, under direction of the common <sup>to be cred-</sup> council, to the credit of the persons and property on account <sup>ited.</sup> of which the same were paid, and in case the credit shall exceed the sum re-assessed against such persons and property as herein provided for, the council shall cause such excess to be refunded to the party who made payment thereof. All the provisions of said charter relative to the making, collection, and return of special assessments shall apply to the re-assessment hereby authorized to be made, except as herein otherwise provided.

Issue of  
bonds au-  
thorized.

Sec. 3. The common council of the said city of East Saginaw are hereby authorized to provide for the payment of the cost of intersections of streets upon said improvement, by issuing the bonds of said city, or in such other manner as they may deem proper, and they shall also provide for the payment of the sum assessed and collected under the provisions of this act, to the said contractors or their assigns, to the amount of the unpaid portion of the contract price, upon the surrender of the orders heretofore issued therefor.

Sec. 4. This act shall take immediate effect.

Approved April 13, 1871.

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[ No. 429. ]

AN ACT authorizing the common council of the city of East Saginaw to make a re-assessment to defray the expense of a public improvement on Washington street in said city.

Preamble.

*Whereas*, The common council of the city of East Saginaw, on or about the twenty-second day of June, in the year of our Lord one thousand eight hundred and sixty-eight, to provide for a public improvement on Washington street in said city passed a resolution in words and figures following, to wit:

*Resolved by the common council of the city of East Saginaw*, That the paving of Washington street from Tuscola street to German street in said city with the Nicholson pavement, as petitioned for by property-owners and freeholders of said city, is deemed and hereby declared a necessary public improvement, said improvement not requiring the taking of private property therefor, it is therefore hereby ordered that said Washington street be improved by paving said street with the Nicholson pavement from Tuscola street to German street in said city, the expense thereof to be assessed upon the owners and occupants of houses and lands to be benefited thereby,



as provided in title six of the act to incorporate the city of <sup>Idem.</sup> East Saginaw;

*And whereas,* Such proceedings were thereupon and thereafter had by said common council in respect to such improvement, that on or about the first day of August, in the year of our Lord one thousand eight hundred and sixty-eight, the controller of said city, pursuant to the direction of said common council, entered into a contract on behalf of said city, with Smith, Cook & Co., for the performance of said work;

*And whereas,* After the letting of said contract, such further proceedings were had in respect to such improvement by said common council that for defraying the expense thereof an assessment was made, and an assessment roll made out and returned to the said common council and by them ratified and confirmed on or about the twenty-first day of December, in the year of our Lord one thousand eight hundred and sixty-eight;

*And whereas,* The said Smith, Cook & Co. performed the said contract on their part, and received therefor orders drawn on the special assessment fund, created for said improvement, only a part of which orders have been paid;

*And whereas,* A part only of the taxes assessed upon the real estate mentioned and described in said assessment roll have been paid, and the residue thereof remains unpaid;

*And whereas,* The said assessment has been declared null and void, for the reason (among others) that the votes of all the members of said common council present, and voting upon various and sundry of the resolutions and other acts and proceedings of the said common council in respect to such improvement, were not entered at large upon the minutes of the proceedings of said common council, as required by the charter of said city;

*And whereas,* The said improvement for which the said assessment was made has been fully completed, and it is just and equitable that the expense thereof should be paid by the owners of the real estate benefited thereby, and that the same

should not be a charge upon all of the taxable property of said city; now therefore,

Reassess-  
ment au-  
thorized.

SECTION 1. *The People of the State of Michigan enact*, The common council of the city of East Saginaw, for the purpose of defraying the cost and expense of said above mentioned improvement, are hereby authorized and empowered, and it shall be their duty to determine, declare, and set forth all lots, blocks, and lands benefited thereby, and to cause to be re-assessed upon the owners and occupants of houses and lands so benefited, such sum as the surveyor of said city may determine and certify to be the actual cost and expenses of said improvement, exclusive of interest, and also exclusive of the cost of paving street intersections, and such re-assessment shall be made substantially in the manner provided for making original assessments of like nature by the existing charter of said city, so far as the same relates to proceedings to be had subsequent to letting the contract for the performance of work on a public improvement, except as modified by this act.

Moneys  
already paid  
to be cred-  
ited.

Sec. 2. Such sums as have heretofore been paid towards said improvement (upon houses and lands included in such re-assessment) shall be applied, under direction of the common council, to the credit of the persons and property on account of which the same were paid, and in case the credit shall exceed the sum re-assessed against such persons and property as herein provided for, the council shall cause such excess to be refunded to the party who made payment thereof. All the provisions of said charter relative to the making, collection, and return of special assessments shall apply to the re-assessment hereby authorized to be made, except as herein otherwise provided.

Issue of  
bonds au-  
thorized.

Sec. 3. The common council of the said city of East Saginaw are hereby authorized to provide for the payment of the cost of intersections of streets upon said improvement, by issuing the bonds of said city, or in such other manner as they may deem proper, and they shall also provide for the payment

of the sum assessed and collected under the provisions of this act, to the said contractors or their assigns, to the amount of the unpaid portion of the contract price, upon the surrender of the orders heretofore issued therefor.

Sec. 4. This act shall take immediate effect.

Approved April 13, 1871.

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[ No. 430. ]

AN ACT to determine the width of the Goodrichville and Lower Saginaw State road, in the townships of Millington, Vassar, Tuscola, and Denmark, in Tuscola county, and the township of Blumfield, in the county of Saginaw, and Portsmouth and Hampton, in the county of Bay.

SECTION 1. *The People of the State of Michigan enact*, That <sup>width of</sup> that part of the Goodrichville and Lower Saginaw State road <sup>road.</sup> running through the townships of Millington, Vassar, Tuscola, and Denmark, in the county of Tuscola, and through the township of Blumfield, in the county of Saginaw, and Portsmouth and Hampton, in the county of Bay, be and the same is hereby declared to be four rods wide and no more.

Section 2. This act shall take immediate effect.

Approved April 13, 1871.

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[ No. 431. ]

AN ACT to amend an act entitled "An act to authorize the common council of the city of Detroit to divide any ward of said city into two wards or election districts, and to provide for the registration of qualified electors therein," approved March twenty-seventh, eighteen hundred and sixty-seven.

SECTION 1. *The People of the State of Michigan enact*, That <sup>Act</sup> an act entitled "An act to authorize the common council of <sup>amended.</sup>

the city of Detroit to divide any ward of said city into two wards or election districts, and to provide for the registration of qualified electors therein," approved March twenty-seventh, eighteen hundred and sixty-seven, be amended by adding to said act two new sections, to be known as sections five and six, to read as follows :

Division of wards into election districts. Sec. 5. The common council of the city of Detroit shall have power by ordinance, whenever they deem it expedient, to divide any existing ward in said city into election districts of convenient size, containing not to exceed in number five hundred electors. The ordinance shall provide for ascertaining the number of electors in a given district, and shall specifically describe the boundaries of such districts in the respective wards.

Ordinance for same.

Relative to the carrying into effect of this act. Sec. 6. For the purpose of carrying into effect the provisions in the foregoing section, the provisions of the said act so amended, or so much thereof as may be applicable, shall apply thereto, but the common council shall have full power by ordinance to make any further provisions necessary to give full effect to this act.

Sec. 2. This act shall take immediate effect.

Approved April 13, 1871.

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[ No. 432. ]

AN ACT to provide for the laying out, establishing, and constructing a State road in the county of Iosco, and appropriating certain non-resident highway taxes therefor, said road to be known as the Oscoda and Plainfield State road.

Commissioner to be appointed. SECTION 1. *The People of the State of Michigan enact*, That a commissioner shall be appointed by the Governor of the State of Michigan, to survey, locate, establish, and construct a

Line of road. State road, from the southeast corner of township twenty-four (24) north, of range eight (8) east, to the southwest corner of

township twenty-four (24) north, of range five (5) east, the same to be located on the township line between townships twenty-three and twenty-four, as far as practicable.

Sec. 2. It shall be the duty of said commissioner, within six months after the passage of this act, to proceed to lay out said road, and cause the same to be surveyed, and a description thereof to be filed with the clerk of each of the townships on the line thereof, who shall cause the same to be properly recorded, and also with the treasurer of Iosco county.

Commissioner to lay out and file survey.

Sec. 3. All the highway taxes that shall be assessed upon non-resident lands, lying within one mile of said township line, on either side thereof, shall be and are hereby appropriated for a period of two years from the time of the passage of this act, to be expended under the direction of said commissioner, in locating and constructing said road.

Non-resident highway taxes appropriated.

Sec. 4. Said commissioner, before entering upon the discharge of his duties, shall give a bond, with good and sufficient sureties, to the treasurer of Iosco county, in the sum of one thousand dollars, for the proper and faithful performance of his duties and expenditure of all money hereby appropriated and received by him as said commissioner.

Commissioner to give bond.

Sec. 5. Said commissioner may demand, and is hereby authorized to receive, all money herein appropriated, and it shall be the duty of the treasurers and overseers of highways of the several townships through which said road may pass, and to [of] the treasurer of Iosco county, to pay over to said commissioner, on demand, all the moneys herein appropriated.

Moneys to be paid to commissioner.

Sec. 6. It shall be the duty of said commissioner to cause all moneys received by him under this act to be used in locating and constructing said road, and for no other purpose, and to superintend said construction, and to determine the manner in which labor shall be laid out and applied thereon; and he shall have power to let out the work to be done to the lowest responsible bidders, by contract, and to enforce the execution of said contracts.

Commissioner to superintend construction of road, etc.

Compensation.

Sec. 7. The said commissioner shall receive as compensation for his services three dollars per day while actually engaged in the performance of the duties imposed upon him by this act, which, with the expenses of surveying and locating, shall be audited by the supervisors of Iosco county, and an order for the same given on the treasurer of said county, to be paid out of the general fund, the same to be verified by the oath of said commissioner.

Vacancy.

Sec. 8. In case any vacancy shall occur in the office of commissioner, as created by this act, it shall be the duty of the Governor of the State of Michigan to appoint a commissioner to fill such vacancy, and such appointee shall give bonds in like manner, and have the same power, as the commissioner appointed by this act.

Removal from office.

Sec. 9. The Governor shall have power to remove any commissioner created by this act, for gross neglect of duty, or when, in the opinion of the Governor, the public good requires such removal.

Approved April 13, 1871.

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[ No. 433. ]

AN ACT to change the name of Franklin Dwight Smith to Franklin Dwight Martin, and to constitute him the heir-at-law of John Clark Martin and Maria Louisa Martin, of Ingham county, Michigan.

Name changed.

SECTION 1. *The People of the State of Michigan enact*, That the name of Franklin Dwight Smith be and the same is hereby changed to Franklin Dwight Martin, and he is hereby made and constituted the heir-at-law of John Clark Martin and Maria Louisa Martin, of Ingham county, Michigan.

Sec. 2. This act shall take immediate effect.

Approved April 13, 1871.

## [ No. 434. ]

AN ACT to change the name of Seth Dimick Adams to Seth Dimick Gage, and to constitute him heir-at-law of Franklin Gage and Mary C. Gage.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Name</sup> ~~the name of Seth Dimick Adams be and the same is hereby~~ <sup>changed.</sup> changed to Seth Dimick Gage, and that he be constituted heir-at-law of Franklin Gage and Mary C. Gage.

Sec. 2. This act shall take immediate effect.

Approved April 13, 1871.

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## [ No. 435. ]

AN ACT providing a name for a certain male child, whose parentage is unknown, and constituting it the heir-at-law of Jacob Bush and Susannah Bush.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Child</sup> ~~a certain male child, whose parentage is not publicly known,~~ <sup>named.</sup> and who was exposed and abandoned about the first of July, eighteen hundred and sixty-eight, in the township of Fulton, in the county of Gratiot, in this State, shall be hereafter known by the name of Lewis Bush, and that the same be and is hereby constituted the heir-at-law of Jacob Bush and Susannah Bush.

Sec. 2. This act shall take immediate effect.

Approved April 13, 1871.

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## [ No. 436. ]

AN ACT to establish certain highways in the township of Easton, Ionia county, less than four rods wide.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Width of</sup> ~~the commissioners of highways of the township of Easton, in~~ <sup>streets de-</sup> <sup>termined.</sup>

the county of Ionia, be and they are hereby authorized to establish as highways, certain streets or roads opened three rods wide, on the north half of the north-east quarter of section twenty-four of said township of Easton, the said streets or roads having been opened and donated to and for the use of the residents on said tract of land described, and for the public generally.

Sec. 2. This act shall take immediate effect.

Approved April 13, 1871.

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[ No. 437. ]

AN ACT appropriating certain non-resident highway taxes for the improvement of the Greenbush and Gratiot State road.

Highway  
taxes appro-  
priated.

Purpose.

SECTION 1. *The People of the State of Michigan enact*; That the non-resident highway tax in the township of Washington, it being town nine north, range two west, for three years from the first day of March, one thousand eight hundred and seventy-one, on all the lands lying within one mile on the east side and two miles on the west side of the Greenbush and Gratiot State road, be and the same is hereby appropriated for the improvement and benefit of said State road; and said tax shall be expended in the improvement of said road, under the direction and supervision of the commissioners of highways of said township of Washington.

Sec. 2. This act shall take immediate effect.

Approved April 13, 1871.



[ No. 438. ]

AN ACT to provide for the laying out, establishing, and constructing a State road in the county of Alcona, and appropriating certain non-resident highway taxes therefor, to be known as the Pine river State road.

SECTION 1. *The People of the State of Michigan enact*, That <sup>Commissioner.</sup> A. F. Gay, of Sauble township, Iosco county, be and is hereby appointed a commissioner to survey, locate, establish, and construct a State road from a point near the quarter post on the <sup>Line of road</sup> south side of section thirty-one (31), in township twenty-five (25) north, of range nine (9) east, and running up the east side of Pine river to township twenty-six (26) north, and thence on the most eligible and direct route to the northwest corner of township twenty-six (26) north, of range seven (7) east.

Sec. 2. It shall be the duty of said commissioner, within six <sup>Survey of route and filing of draft of same.</sup> months from the first day of April, eighteen hundred and seventy-one, to proceed to lay out said road and cause the same to be surveyed, and a description thereof to be filed with the clerk of each of the townships on the line thereof, who shall cause the same to be properly recorded, and also with the treasurer of Alcona county.

Sec. 3. All the highway taxes that shall be assessed upon <sup>Certain highway taxes appropriated for same.</sup> non-resident lands in townships twenty-five (25) north, of range eight (8) east, twenty-five north, of range seven (7) east, the south half of twenty-six (26) north, of range eight (8) east, and the south half of twenty-six (26) north, of range seven (7) east, shall be and are hereby appropriated for a period of three years from the time of the passage of this act, to be expended under the direction of said commissioner in constructing said road.

Sec. 4. Said commissioner, before entering upon the <sup>Commissioner to give bonds.</sup> discharge of his duties, shall give a bond, with good and sufficient sureties, to the treasurer of Alcona county, in the sum of two thousand dollars, for the proper and faithful performance of

his duties, and expenditure of all money hereby appropriated and received by him as said commissioner.

Moneys to be paid to commissioner.

Sec. 5. Said commissioner may demand, and is hereby authorized to receive, all money herein appropriated, and it shall be the duty of the treasurers and overseers of highways of the several townships through which said road may pass, and of the treasurer of Alcona county, to pay over to said commissioner, on demand, all [the] moneys herein appropriated.

To use same in construction of road.

Sec. 6. It shall be the duty of said commissioner to cause all moneys received by him under this act to be used in locating and constructing said road, and for no other purpose, and to superintend said construction, and to determine the manner in which such labor shall be laid out and applied thereon, and he shall have power to let out the work to be done to the lowest responsible bidders, by contract, and to enforce the execution of said contracts.

Compensation of commissioner.

Sec. 7. The said commissioner shall receive as compensation for his services three dollars per day while actually engaged in the performance of the duties imposed upon him by this act, which, with the expenses of surveying and locating, shall be audited and paid by the supervisors of Alcona county, by an order on the treasurer of said county, to be paid out of the general fund, the same to be verified by the oath of said commissioner.

Vacancy in office of.

Sec. 8. In case any vacancy shall occur in the office of commissioner, as created by this act, it shall be the duty of the Governor of the State of Michigan to appoint a commissioner to fill such vacancy, and such appointee shall give bonds in like manner, and have the same power, as the commissioner appointed by this act.

Governor may remove

Sec. 9. The Governor shall have power to remove any commissioner created by this act for gross neglect of duty, or when, in the opinion of the Governor, the public good requires such removal.

Sec. 10. This act shall take immediate effect.

Approved April 13, 1871.

[ No. 439. ]

AN ACT to amend section one, of act number four hundred and sixty-seven, of the laws of eighteen hundred and sixty-nine, entitled "An act to provide for the drainage and reclamation of swamp lands by means of a State road and ditches, from Tawas Bay, in Iosco county, to the west line of said county."

SECTION 1. *The People of the State of Michigan enact, That* <sup>Section amended.</sup> the first section of act number four hundred and sixty-seven, of the session laws of eighteen hundred and sixty-nine, approved April fifth, eighteen hundred and sixty-nine, entitled "An act to provide for the drainage and reclamation of swamp lands, by means of a State road and ditches from Tawas Bay, in Iosco county, to the west line of said county," be amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact, That* <sup>Line of road.</sup> there shall be laid out and established a State road upon the following route, as near as may be found practicable, to wit: Commencing near Tawas Bay, at the northwest corner of section nineteen, in town twenty-two north, of range eight east; thence west on the section line to the northwest corner of section twenty-three, in town twenty-two north, of range seven east; thence in a northwest direction to the centre of section nine, in said town, and thence west to the west line of Iosco county.

Sec. 2. This act shall take immediate effect.

Approved April 15, 1871.

[ No. 440. ]

AN ACT to change the name of Trinity Church of Lower Saginaw to Trinity Church of Bay City.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Corporate name changed.</sup> the corporate name of Trinity Church of Lower Saginaw, in

the city of Bay City, and county of Bay, be and the same is hereby changed to Trinity Church of Bay City.

Sec. 2. This act shall take immediate effect.

Approved April 15, 1871.

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[ No. 441. ]

AN ACT to change the names of James Selkrig, Hannah Selkrig, James Edward Selkrig, Henrietta Elizabeth Selkrig, Adde Bell Selkrig, and Charles Ellis Manly Selkrig, to Selkirk.

Names  
changed.

SECTION 1. *The People of the State of Michigan enact*, That the names of James Selkrig, Hannah Selkrig, James Edward Selkrig, Henrietta Elizabeth Selkrig, Adde Bell Selkrig, and Charles Ellis Manly Selkrig be and the same are hereby changed to James Selkirk, Hannah Selkirk, James Edward Selkirk, Henrietta Elizabeth Selkirk, Adde Bell Selkirk, and Charles Ellis Manly Selkirk.

Sec. 2. This act shall take immediate effect.

Approved April 15, 1871.

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[ No. 442. ]

AN ACT to confirm the powers, rights, and privileges of the board of metropolitan police in the city of Detroit, and its officers and appointees, as organized and appointed under and by virtue of an act entitled "An act to establish a police government in the city of Detroit," approved January twenty-four, eighteen hundred and sixty-five.

Act  
construed.

SECTION 1. *The People of the State of Michigan enact*, That an act approved April five, eighteen hundred and sixty-nine, entitled "An act to amend an act to revise the charter of the city of Detroit, approved February fifth, one thousand eight

hundred and fifty-seven, as amended by several acts amendatory thereof," shall not be construed to have annulled or impaired any of the powers, rights, or privileges of the board of metropolitan police or of its appointees, as organized and appointed under and by virtue of an act entitled "An act to establish a police government in the city of Détroit," approved February twenty-fourth, one thousand eight hundred and sixty-five; and that all the acts and proceedings of said board and its officers and appointees, done and had in pursuance of and in accordance with said last act, are hereby confirmed and declared as valid as if said act, approved April fifth, one thousand eight hundred and sixty-nine, had not been passed.

Doings of  
board of me-  
tropolitan  
police de-  
clared valid.

Sec. 2. This act shall take immediate effect.

Approved April 15, 1871.

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[ No. 443. ]

AN ACT to provide for laying out and establishing a State road from town twenty-four north, of range four east, to the meridian.

SECTION 1. *The People of the State of Michigan enact*, That George P. Smith be and is hereby appointed a commissioner to lay out and establish and improve a State road from the southeast corner of section thirteen, of town twenty-four north, of range four east, running west on the section line between sections thirteen and twenty-four, and through town twenty-four north, of ranges one, two, three, and four east, to the meridian.

Commis-  
sioner ap-  
pointed.

Line of road

Sec. 2. The said commissioner is hereby authorized and empowered to employ a surveyor and other needed assistants, to locate and establish the line of said road; and when such line shall have been established, a full description of the route and

Survey of  
road and  
filing of  
description.

survey thereof shall be filed by said commissioner with the county clerk of the county of Iosco.

Non-resident highway tax appropriated.

Sec. 3. The highway tax upon the non-resident land in the towns through which said road may run shall be and the same is hereby appropriated for the construction of said road, for a period of three years from the first day of March, one thousand eight hundred and seventy, to be expended, under the direction of said commissioner, in locating and constructing said road.

Commissioner to give bond.

Sec. 4. Said commissioner, before entering upon the discharge of his duties, shall give a bond, with good and sufficient sureties, to the treasurer of Iosco county, in the sum of one thousand dollars, for the proper and faithful performance of his duties, and expenditures of all money hereby appropriated and received by him as said commissioner.

Moneys to be paid to commissioner.

Sec. 5. Said commissioner may demand, and is hereby authorized to receive all money herein appropriated, and it shall be the duty of the treasurers and overseers of highways of the several townships through which said road may pass, and of the treasurer of Iosco county, to pay over to said commissioner, on demand, all the moneys herein appropriated.

Duties and powers of commissioner.

Sec. 6. It shall be the duty of said commissioner to cause all moneys received by him under this act, to be used in locating and constructing said road, and for no other purpose, and to superintend said construction, and to determine the manner in which labor shall be laid out and applied thereon, and he shall have power to let out the work to be done to the lowest responsible bidders, by contract, and to enforce the execution of said contracts.

Compensation.

Sec. 7. The said commissioner shall receive as compensation for his services, one dollar and fifty cents per day while actually engaged in the performance of the duties imposed upon him by this act, which shall be paid out of the fund created by this act, after his accounts of the same, verified by his oath, shall have been approved by the treasurer of Iosco county.

Sec. 8. In case any vacancy shall occur in the office of the <sup>Vacancy.</sup> commissioner, as created by this act, it shall be the duty of the Governor of the State of Michigan to appoint a commissioner to fill such vacancy, and such appointee shall give bonds in like manner, and have the same power, as the commissioner appointed by this act.

Sec. 9. This act shall take immediate effect.

Approved April 15, 1871.

[ No. 444. ]

AN ACT to change the name of George F. Carney to George F. Powers, and that he be constituted heir-at-law of Isaiah Start Powers and Mary Powers.

SECTION 1. *The People of the State of Michigan enact*, That the name of George F. Carney be and the same is hereby <sup>Name</sup> changed to George F. Powers, and that he be made the legal heir of Isaiah Start Powers and Mary Powers.

Sec. 2. This act shall take immediate effect.

Approved April 15, 1871.

[ No. 445. ]

AN ACT providing for the construction of a ditch or drain in the townships of Newark and Arcada, in the county of Gratiot, and appropriating State swamp land for the construction of the same.

SECTION 1. *The People of the State of Michigan enact*, That Erastus W. Kellogg be and he is hereby appointed a special <sup>Com-  
missioner ap-  
pointed.</sup> commissioner to lay out and superintend the construction of a ditch or drain commencing on Pine creek, near the center <sup>Line of  
ditch.</sup> of section twenty-one, in town ten north, of range three west,

running northeasterly through sections twenty-one, sixteen, fifteen, ten, and three, in said town ten north, of range three west, thence through sections thirty-five, twenty-six, twenty-two, and about to the center of sixteen, in town eleven north, of range three west, providing for an outlet to said ditch both north and south.

Com-  
missioner to lo-  
cate ditch.

Sec. 2. It shall be the duty of said commissioner, within six months from the time this act shall take effect, to proceed to lay out and locate the line of said ditch or drain, either by adopting a line of survey already made and recorded, or by causing the same to be surveyed, and a description of the same to be filed with each of the township clerks of the townships through which the said line of ditch shall pass, whose duty it shall be to record the same.

Survey of  
same to be  
filed.

Swamp land  
appropriated

Sec. 3. For the purpose of constructing said ditch or drain, there is hereby appropriated the amount of land remaining unexpended of the appropriation made by act number one hundred and forty-six, of the laws of eighteen hundred and sixty-five, approved March tenth, eighteen hundred and sixty-five, for the purpose of constructing the Ithaca and Alma State road, and the further amount of three sections of State swamp land: *Provided*, That the last-named three sections of State swamp land appropriated by this act shall be selected from the State swamp land in the county of Gratiot.

Proviso.

State not  
liable for  
expense, etc.  
of road.

Sec. 4. The State shall not be liable for any expenses or damages sustained by reason of this act; but the county in which such ditch or drain is situated shall pay for the survey and necessary expenses, and shall pay said commissioner two dollars per day for his services, for the time necessary, and actually expended by him.

Commis-  
sioner to  
give bond.

Sec. 5. Such commissioner, before entering upon the duties of his said office as herein provided, shall execute to the treasurer of said county a bond in the sum of two thousand dollars, with such sureties as shall be approved by said county treasurer, conditioned that he will faithfully discharge the duties



of his said office, and that he will apply the appropriation herein made for the purposes mentioned in this act; which bond shall be filed in the office of the clerk of said county.

Sec. 6. It shall be the duty of said commissioner to make such report of his doings as such commissioner to the board of supervisors of said county of Gratiot, as said board of supervisors shall from time to time require. And said board of supervisors shall have power to remove said commissioner from his said office whenever said board shall deem him guilty of any neglect or unfaithfulness in the discharge of his official duty as such commissioner, and any vacancy that may occur on account of the death of the incumbent, or his neglect or refusal to serve under the provisions of this act.

To make  
reports to  
supervisors.

Removal  
from office.

Sec. 7. Said ditch or drain shall be so constructed that in no place shall it be less than twelve feet wide on top, nor less than five feet wide on the bottom, with an average depth of four feet, and so graded as to drain off the water to the bottom of the same its entire length.

Dimensions  
of ditch.

Sec. 8. This act shall take immediate effect.

Approved April 15, 1871.

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[ No. 446. ]

AN ACT to authorize the board of school inspectors of the townships of Lenox and Chesterfield, in the county of Macomb, to attach certain territory to fractional school district number seven, of said townships.

SECTION. 1. *The People of the State of Michigan enact, That* the board of school inspectors of the townships of Lenox and Chesterfield, in the county of Macomb, are hereby authorized and empowered to attach the following described lands to fractional school district number seven of said townships, viz: the east half of the northwest quarter, and west half of the northeast quarter, of section three, township three north, of

The attach-  
ing of terri-  
tory to  
school dis-  
trict au-  
thorized.

range fourteen east; also the west half of the southwest quarter of section thirty-four, township four north, of range fourteen east; also such other contiguous territory as may be deemed expedient by said board of school inspectors; and when so attached, shall be and form a part of said fractional school district.

Sec. 2. This act shall take immediate effect.

Approved April 15, 1871.

[ No. 447. ]

AN ACT to provide for laying out and constructing the Cass City and Sanilac State road, and making an appropriation of non-resident highway taxes for the same.

Commissioner appointed.	SECTION 1. <i>The People of the State of Michigan enact</i> , That there be laid out and constructed by John C. Laing, who is hereby appointed as special commissioner for that purpose, a
Line of road.	State road, commencing at Cass City, in the county of Tuscola, and running east about four miles to intersect with the
Name of road.	Sanilac and Bay State road; said road to be known as the Cass City and Sanilac State road.
Location of road.	Sec. 2. It shall be the duty of said commissioner, within three months, to proceed to lay out and establish said road, and to cause the same to be surveyed and a description thereof
Survey to be filed and recorded.	to be filed in the office of the township clerk of the townships in which any part of said road may be; and it shall be the duty of the township clerks to record the same, and such record shall be <i>prima facie</i> evidence of the existence of such road.
Relative to damages to real estate.	Sec. 3. In cases where damages may be claimed by reason of laying out and establishing said road, the same proceedings shall be had thereon as may be required by law for the assess-

ment of damages in case of roads laid out by highway commissioners: *Provided*, That the State shall not be liable for Proviso. any payment under the provisions of this act.

Sec. 4. For the purpose of constructing said road, there is hereby appropriated all the non-resident highway taxes now assessed and due, and that may be assessed for the term of Non-resident highway taxes appropriated. four years from the passage of this act, one mile each side of the line of said road.

Sec. 5. Any overseer of highways, or highway commissioners or township treasurer, who has received or may receive any portion of such non-resident tax, shall, on demand of the special commissioner herein provided for, pay over to such commissioner any such sum of money, and such commissioner's receipt shall release such overseer, highway commissioner, or township treasurer from liability. Moneys to be paid over to commissioner.

Sec. 6. Such special commissioner shall receive for his services the sum of one dollar and fifty cents per day, which, including the expenses of survey, shall be paid out of the non-resident highway tax hereby appropriated; and it shall be his duty to render under oath to the board of supervisors of said county, at their annual session, a true account of the receipt and disbursement of all the money received by him during each year from such non-resident highway taxes. Compensation of commissioner.

Sec. 7. Said commissioner, before he shall be entitled to receive any moneys under the provisions of this act, shall make and execute to the county treasurer of said county, a bond in the sum of one thousand dollars, with such sureties as the county treasurer shall approve, conditioned that he will faithfully apply all moneys received by him in virtue of this act, which bond shall be filed in the office of said county treasurer. Commissioner to execute bonds.

Sec. 8. If from any cause the special commissioner appointed by this act shall decline to perform the duties herein required of him, or said office become vacant, then the Governor shall Failure of commissioner to act.

appoint some suitable person special commissioner on said road.

Sec. 9. This act shall take immediate effect.

Approved April 15, 1871.

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[ No. 448. ]

AN ACT to detach certain territory from the county of Saginaw, and attach the same to the county of Bay.

Territory detached and attached.

SECTION 1. *The People of the State of Michigan enact*, That sections nineteen to thirty-six inclusive, the same being the south half of township thirteen north, of range six east, be and the same are hereby detached from the county of Saginaw and attached to the township of Portsmouth, in the county of Bay.

Detached territory liable for share of war bonds of Saginaw county.

Sec. 2. The boards of supervisors of the counties of Saginaw and Bay shall, in their settlement, take into consideration the amounts due Saginaw county from the divided township on account of war bonds, by charging to Bay county such proportion as the valuation of the detached territory, according to the assessment roll of eighteen hundred and seventy, will justify.

Bay county to assume expense of drains, etc.

Sec. 3. The county of Bay shall assume all responsibilities that may arise in consequence of the construction of drains in the detached territory under the management of the drainage commissioner of Saginaw county.

Sec. 4. This act shall take immediate effect.

Approved April 15, 1871.

[ No. 449. ]

AN ACT to authorize justices of the peace residing within the corporate limits of the village of Eaton Rapids, to hold courts at any place within the corporate limits of said village.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for any justice of the peace residing within the corporate limits of the village of Eaton Rapids, and they and each of them are hereby authorized, to hold courts as such justices, at any place within the corporate limits of said village, as such limits now exist or may be hereafter established.

Justices residing in, to hold courts in village of Eaton Rapids.

Sec. 2. This act shall take immediate effect.

Approved April 15, 1871.

[ No. 450. ]

AN ACT to provide for the protection and preservation of fish in certain lakes in the counties of Cass and Berrien.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful to capture, kill, or destroy, or attempt to capture, kill, or destroy, any fish in any lake in the township of Jefferson, or Diamond lake in the townships of Penn, Calvin, Jefferson, and Lagrange, and Stone lake in the township of Lagrange, all being in the county of Cass, or in any lake in the township [of] Watervliet, in the county of Berrien: *Provided*, That fishing with a hook and line shall not be deemed unlawful between the first day of May and November in each year.

Fishing forbidden in certain lakes

Proviso.

Sec. 2. It shall not be lawful to capture, kill, or destroy, or attempt to capture, kill, or destroy, any of the fish in Stone lake, in said township of Lagrange, from and after the passage of this act, until the first day of May, in the year of our Lord one

Fishing in Stone lake forbidden.

thousand eight hundred and seventy-four, and then only subject to the provisions of the first section of this act.

Penalty for same.

Sec. 3. Any person or persons offending against any of the provisions of this act shall, on conviction thereof, be liable to a fine of not less than five dollars nor more than one hundred dollars, or imprisonment in the county jail not less than ten days nor more than sixty days; and one-half of all fines that shall or may be collected by reasons of this act shall be paid to the complaining witness, if he so requests, and justices of the peace shall have jurisdiction to hear, try, and determine all cases arising under the provisions of this act.

Acts repealed.

Sec. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 5. This act shall take immediate effect.

Approved April 15, 1871.

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[ No. 451. ]

AN ACT to legalize the streets and highways within the corporate limits of the village of Benton Harbor.

Streets, etc., legalized.

SECTION 1. *The People of the State of Michigan enact*, That the streets and highways within the corporate limits of the village of Benton Harbor are hereby declared to be legal: *Provided*, Said streets and highways have been opened and used for four successive years: *And provided further*, That said streets and highways shall be four rods in width, unless otherwise provided by the recorded plat of said village.

Proviso.

Proviso.

Sec. 2. This act shall take immediate effect.

Approved April 15, 1871.

[ No. 452. ]

AN ACT to authorize the city of Monroe, in the county of Monroe, to borrow money for bridge purposes within said city, and give bonds therefor.

SECTION 1. *The People of the State of Michigan enact,* City authorized to borrow money. That the common council of the city of Monroe be authorized and empowered to borrow, on the faith and credit of said city, a sum not exceeding thirty thousand dollars, for a term not exceeding thirty thousand dollars, for a term not exceeding twenty years, and at a rate of interest not exceeding eight per cent per annum, and to execute the coupon bonds of said city therefor, under the seal of said city, in such manner Issue of bonds therefor. as the common council shall determine; but such bonds shall Sale of same. not be disposed of at less than their par value.

Sec. 2. That for the purpose of determining whether such loan shall be made, the common council shall, at any annual city election, or at any special election (called for that purpose), provide for a vote thereon by ballot; and every ballot in favor of said loan shall have written or printed on it the words "For the loan," and every ballot against it shall have written or printed on it the words "Against the loan." Question of loan to be submitted to electors. Notice of the time and place of holding such election shall be given by publication in a newspaper printed in said city, for at least ten days previous to such election, or by posting such notice in five of the most public places in said city for the same length of time; and said election shall be conducted in all respects as other city elections. The board of election shall file a certificate of the result of said election with the clerk of said city, and no such loan shall be made, unless a majority of the votes cast are in favor of said loan. Notice of and manner of conducting election.

Sec. 3. The common council are required to provide for the payment of such loan in the same manner as for other debts of said city: *Provided,* There may be raised to pay such loan in any one year, not more than one-half of one per cent on Payment of said bonds. Provide.

the taxable property of said city, in addition to the amount now authorized to be raised.

Use of said  
loan.

Sec. 4. The money so borrowed shall be expended in the erection of a bridge across the river Raisin in the first ward of said city, between the west line thereof and Waldoff's mill-dam; and in making the necessary approaches thereto, and for no other purposes: *Provided*, It shall be lawful for the common council to appropriate said bonds to aid persons or other parties who may undertake to make such improvement for the benefit of said city, in said first ward.

Proviso.

Sec. 5. This act shall take immediate effect.

Approved April 15, 1871.

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[ No. 453. ]

AN ACT to authorize the village of Caro to raise money to aid in the construction of a court-house for the county of Tuscola.

Village au-  
thorized  
to borrow  
money.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the village of Caro shall be and is hereby authorized and empowered to borrow money on the faith and credit of said village, and issue bonds therefor, to the amount not exceeding ten thousand dollars, which shall be expended in aiding the construction of a court-house for the county of Tuscola, to be located in the village of Caro: *Provided*, That a majority of the property-holding tax-payers of said village, being electors therein, shall vote for such loan in the manner hereinafter specified, and not otherwise.

Purpose.

Proviso.

Question of  
loan to be  
submitted  
to electors.

Sec. 2. Whenever the common council of said village shall deem it necessary to issue the bonds of the village for the purpose mentioned in the preceding section, they shall call a meeting of the electors qualified, as aforesaid, by posting notices in five of the most conspicuous places of said village, at



least eight days previous to the time of said meeting, giving notice of the time and place of such meeting, also specifying the amount of and the object for which it is proposed to issue said bonds. Said meeting shall be under the control of the common council of said village, and shall be conducted in the same manner, and the canvass of votes shall be as near as may be, as in other elections held in said village under the act of its incorporation. At the close of each election the inspectors thereof shall make a certificate of the number of votes given for and against such issue of bonds, and forthwith deposit it with the recorder of said village: *Provided further*, That no more than two meetings for such purpose shall be called in any one year.

Manner of  
conducting  
election and  
canvass of  
votes.

Proviso.

Sec. 3. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sums, not exceeding the amount hereinbefore limited, and payable at such times, with such rate of interest, not exceeding ten per cent per annum, as the common council shall direct, and shall be signed by the president and countersigned by the recorder and sealed with the seal of said village, and negotiated by or under the direction of the said common council, and the money arising therefrom shall be appropriated in such manner as said common council shall determine, for the purpose aforesaid, and upon such terms and conditions as shall be agreed upon between the said common council and the board of supervisors of said county of Tuscola; and the said board of supervisors of said county and the said common council are hereby authorized to make such agreements as may protect the rights and interests of said village and county aforesaid, for the purpose hereinbefore mentioned; and the said common council shall have power, and it shall be their duty, to raise by tax upon the taxable property of said village, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due, which shall be levied and collected as provided for levying and col-

Issue of  
bonds.

Payment of  
same.

lecting taxes by the act incorporating said village: *Provided*,  
 Proviso. Nothing in this act shall be construed to create any liability against the county of Tuscola, or to give the board of supervisors any authority to pay or levy any of the indebtedness that may accrue against the village of Caro under the provisions of this act, upon the taxable property of said county, or any part thereof.

Sec. 4. This act shall take immediate effect.

Approved April 15, 1871.

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[ No. 454. ]

AN ACT to regulate and prescribe the time for the review and perfection of the assessment rolls of the township of Kalamazoo, in the county of Kalamazoo and State of Michigan, and to qualify the provisions of act number one hundred and sixty-nine of the session laws of eighteen hundred and sixty-nine, relating thereto.

Review days  
for town-  
ship.

SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the supervisor of the township of Kalamazoo, in the county of Kalamazoo in said State, to be present at his office from eight o'clock in the forenoon until twelve noon, and from one o'clock in the afternoon until five o'clock in the afternoon, on the third Monday of May in each year, and so on the two next following days, for the purpose of reviewing so much of his assessment roll of said township as embraces a description of the property of said township outside of and not included within the corporate limits of

Review days  
for village.

the village of Kalamazoo; and it shall be the further duty of said supervisor of said township to be present at his office from eight o'clock in the forenoon until twelve, noon, and from one o'clock in the afternoon, until five o'clock in the afternoon, on the third Monday of June in each year, and so on the two next following days, for the purpose of reviewing

so much of his assessment roll of said township as embraces a description of the property of said township included within the corporate limits of the village of Kalamazoo; and on the request of any person, his agent or attorney, considering himself aggrieved, on sufficient cause being shown to the satisfaction of the supervisor, he shall alter the assessment as to the valuation thereof; and he shall also, upon sufficient cause being shown by any credible person on behalf of any other person whose property is assessed, after [alter] the assessment in such manner as shall to him appear just and equal; and to this end he may in either case, examine on oath the person making the application, or any other person present, touching the matter, which oath the supervisor is hereby authorized to administer; and the same shall be conducted, in all respects consistent with the provisions of this act, in accordance with and be governed by the provisions of act number one hundred and sixty-nine, of the session laws of eighteen hundred and sixty-nine, approved April six, eighteen hundred and sixty-nine.

Review of  
assessments

Sec. 2. This act shall take immediate effect.

Approved April 15, 1871.

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[ No. 455. ]

AN ACT to provide for the division of the township of Plymouth, Wayne county, into two election districts, for general election purposes.

SECTION 1. *The People of the State of Michigan enact*, That sections one to eighteen, inclusive, of the township of Plymouth, in the county of Wayne, shall be known as the first election district, and the general election in said district shall be held in the village of Northville; and that sections nineteen to thirty-six, inclusive, shall be known as the second elec-

Division of  
township  
into election  
districts.

tion district, and the election in said district shall be held in the village of Plymouth.

Justices to-  
act as in-  
spectors of  
election.

Sec. 2. The township board of said township shall designate two justices, to act with either the supervisor or township clerk as inspectors of election in either of said election districts as they may reside.

Manner of  
conducting  
elections and  
returns of  
same.

Sec. 3. The said boards of election in each election district shall conduct said elections in such a manner as the law now provides; and after having counted the votes and announced the result as the law directs, that election board of which the clerk is member shall elect one of their number to take charge of the ballot-box and returns of said election district and deliver the same to that board of which the supervisor is member; and said township board shall then make their returns to the board of county canvassers, in such manner as the law now provides.

Registration  
lists.

Sec. 4. There shall be two copies of the registration lists made and certified to by the board of registration, one for each election district, containing all the names of qualified electors in each of said election districts for which it was made. Such copies, when so certified to, shall, to all intents and purposes, be as valid as though the original, in the possession of the township clerk, was in possession of said election board: *Provided*, Nothing in this act shall be construed to deprive any one of his right to vote, by reason of his removal from one election district to the other, within ten days previous to said general election.

Proviso.

Approved April 15, 1871.

[ No. 456. ]

AN ACT to amend sections four and five of an act entitled "An act for the appropriation of swamp lands to the counties of Houghton and Keweenaw, for the construction of the Mineral Range State road," approved March twentieth, eighteen hundred and sixty-three, as amended by act number sixty-five, of the session laws of eighteen hundred and sixty-five.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.  
sections four and five of an act entitled "An act for the appropriations of swamp lands to the counties of Houghton and Keweenaw, for the construction of the Mineral Range State road," approved March twentieth, eighteen hundred and sixty-three, as amended by act number sixty-five, of the session laws of eighteen hundred and sixty-five, be and the same are hereby amended so as to read as follows:

Sec. 4. There shall be withheld from sale not exceeding one thousand two hundred and eighty acres of the swamp lands Swamp lands to be withheld from sale. in the Upper Peninsula (not otherwise appropriated) for each mile of said road, from and after the time said counties through which said road runs shall notify the Commissioner of the State Land Office of the selection of the same; and said lands be so withheld from sale until January first, eighteen hundred and seventy-three.

Sec. 5. Said road shall be completed on or before December Time for completion of road. thirty-first, eighteen hundred and seventy-two.

Sec. 6. This act shall take immediate effect.

Approved April 15, 1871.

[ No. 457. ]

AN ACT to authorize the board of supervisors of the county of Manitou to issue the bonds of said county to build county buildings.

SECTION 1. *The People of the State of Michigan enact, That* County authorized to borrow money.  
the board of supervisors of the county of Manitou may bor-

row three thousand dollars on the faith and credit of said county, and may issue its bonds therefor, payable at a time not exceeding five years from the date of such bonds, and bearing interest at a rate not exceeding ten per cent per annum, for the purpose of constructing county buildings for county purposes in said county: *Provided*, That the question of making said loan shall be voted on by the electors of said county at a special election in said county, called by the board of supervisors of said county: *And provided further*, That no bonds shall be issued under the provisions of this act unless the majority of the votes cast by the electors of said county, voting upon the question of the issue of said bonds at such election, shall be in favor thereof.

**Purpose.** Sec. 2. When any special election is called by said board of supervisors under the provisions of this act, it shall be the duty of the sheriff of said county, at least ten days previous to the day of holding said election, to notify the township clerks of the several townships in said county of the election aforesaid, and said township clerks shall post notices of such election in their townships, in three of the most public places in each of said townships, at least five days previous to the day of holding such election. Such election shall be conducted, as near as may be, as is now provided by law in cases of regular annual township elections.

**Proviso.**

**Notice of of special election to vote on loan.**

**Manner of conducting election.**

**Idem.** Sec. 3. The inspectors of such election in each of the townships in said county shall provide a ballot-box marked "Loan for county buildings," in which all votes cast under this act shall be deposited. All votes given in favor of or against said loan shall be by ballot. Those voting in favor thereof shall have written or printed, or partly written and partly printed, on their ballots the words "For the loan for county buildings." Those not in favor thereof shall have written or printed, or partly written and partly printed, on their ballots the words "Against the loan for county buildings." The votes cast under this act shall be canvassed and returned in the same

**Canvass of votes.**

manner, as near as may be, as in the canvass and return of votes cast for county officers, and the result of such vote shall be determined and certified by the board of county canvassers, on the second Tuesday after such election.

Approved April 15, 1871.

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[ No. 458. ]

AN ACT to provide for the publication of lists of claims allowed by the board of county auditors for the county of Wayne.

SECTION 1. *The People of the State of Michigan enact*, That <sup>Publication of lists of claims.</sup> it shall be the duty of the clerk of the board of county auditors for the county of Wayne, within the first ten days of every other month, to prepare an accurate list of all claims allowed by the said board during the then next preceding two months; which list shall exhibit the name of each claimant, the consideration or services on which it was allowed, and the exact amount allowed in each case; which list he shall cause to be published, within five days after it is prepared, in the daily paper in the city of Detroit in which the proceedings of the common council of said city shall be published by authority. If such daily paper shall refuse to publish said list at the rate of compensation allowed for the publication of the proceedings of said common council, or shall neglect to publish it within said five days, it shall be the duty of said clerk, forthwith, to cause the said list to be published in any daily paper in the said city which will publish the same, the rates not to exceed in cost the rates paid by the city of Detroit for publishing council proceedings.

Sec. 2. If the said clerk shall refuse or neglect to perform <sup>Failure of clerk to publish said lists</sup> the duty required by the first section of this act, he may be removed from office in the manner provided by chapter eleven

of the compiled laws, for the removal of county officers; and in case of such removal for such cause, the Governor shall appoint some suitable person to perform the duties of the office of county clerk of Wayne county for the time being.

Approved April 15, 1871.

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[ No. 459. ]

AN ACT to grant and surrender the rights, franchises, and interests of the State of Michigan in and to the Bay City and Tuscola county plank road, to the Bay City, Watrous-ville and Vassar plank road company.

Franchises,  
etc., of State  
granted to  
corporation.

SECTION 1. *The People of the State of Michigan enact*, That all the rights, franchises, and interests of the State of Michigan in and to the Bay City and Tuscola county plank road, be and hereby are granted to the Bay City, Watrous-ville and Vassar plank road company.

Corporation  
may imme-  
diately enter  
on same.

Sec. 2. Said corporation may immediately enter upon and take possession of said road, with the rights and privileges thereunto belonging, for the purpose of collecting tolls, extending, constructing, and maintaining a plank road from Bay City, in Bay county, to Vassar, in Tuscola county, according to the articles of association of said corporation.

Directors to  
make report  
to corpora-  
tion.

Sec. 3. Said corporation shall have the right to call upon the directors appointed by act number sixty, session laws of eighteen hundred and sixty-one, for a report as provided in section five of said act, and to take all necessary steps for the purpose of collecting and recovering any and all sums received by said directors, or either of them, under said act, not already expended by them in extending or improving said road, and pay the same to the State Treasurer.

Same to pay  
money to  
State Treas-  
urer.

Sec. 4. This act shall take immediate effect.

Approved April 15, 1871.



[ No. 460. ]

AN ACT to change the names of James Selkrig, Electa C. Selkrig, Portia Mariah Selkrig, Charles Vassar Selkrig, Lucia Senoretta Selkrig, Mathew Vassar Selkrig, and Catharine Vassar Selkrig, to surname of Selkirk.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Names changed.</sup> the names of James Selkrig, Electa C. Selkrig, Portia Mariah Selkrig, Charles Vassar Selkrig, Lucia Senoretta Selkrig, Mathew Vassar Selkrig, Catharine Vassar Selkrig, be and the same are hereby changed to James Selkirk, Electa C. Selkirk, Portia Mariah Selkirk, Charles Vassar Selkirk, Lucia Senoretta Selkirk, Mathew Vassar Selkirk, Catharine Vassar Selkirk.

Approved April 15, 1871.

[ No. 461. ]

AN ACT to provide for the laying out and establishing a State road in the county of Sanilac.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Commissioner appointed.</sup> James Van Camp, of Sanilac county, be and he is hereby authorized and appointed commissioner to lay out and establish a State road, commencing at the southwest corner of section twenty-seven, in town ten north, of range fifteen east, in the county of Sanilac, thence on the most direct and eligible route to or near the northwest corner of section five, in town eleven north, of range fourteen east, in said county; said <sup>Line of road.</sup> road to be known as the Buel and Watertown State road. <sup>Name of road.</sup>

Sec. 2. It shall be the duty of said commissioner, within <sup>Location of road.</sup> six months after his appointment, to proceed to lay out and establish said road, and to cause the same to be correctly surveyed, and a description thereof to be filed with each of the <sup>Survey to be filed and recorded.</sup>

township clerks of the townships through which said road shall pass, whose duty it shall be to record the same; and such record shall be *prima facie* evidence of the existence of said road.

Damages.

Sec. 3. In all cases in which damages are claimed, by reason of the lying out and establishing said road through private lands, the said commissioner shall have power to settle the same and certify the amount with his return, in accordance with the provisions of the general highway laws.

Non-resident highway tax appropriated.

Sec. 4. For the purpose of constructing said road, there is hereby appropriated all the non-resident highway tax two miles each side of the line of said road, except three miles of the south end of said road, which shall have the non-resident highway tax one mile on each side of said road for the term of three years from the passage of this act.

State not liable for expense of road.

Sec. 5. The State shall not be liable for any expense or damage sustained by reason of this act, but the townships through which said road shall pass shall pay for the survey and necessary expense, and shall also pay the commissioner two dollars a day for his services, for the time necessarily and actually expended by him.

Compensation of commissioner.

Moneys to be paid over to commissioner.

Sec. 6. Any overseer of highways, or township treasurer, having received any portion of such non-resident tax shall, on demand of the special commissioner herein provided for, pay over to such commissioner any such sum of money, and said commissioner's receipt therefor shall release such overseer or treasurer from liability.

Commissioner to render account to supervisors.

Sec. 7. It shall be the duty of such special commissioner to render to the board of supervisors of said county, at their annual session, a true account, on oath or affirmation, of the receipt and disbursement of all such money received by him during each year from such townships respectively.

Commissioner to execute bond.

Sec. 8. Said commissioner, before he shall be entitled to receive any moneys so collected as aforesaid, shall make and execute to the county treasurer of said county of Sanilac, a

bond in the sum of three thousand dollars, with such sureties as the said county treasurer shall approve, conditioned that he will faithfully apply all moneys received by him in virtue of this act, which bond shall be filed in the office of the clerk of said county.

Approved April 15, 1871.

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[ No. 462. ]

AN ACT to authorize the adoption by Gilbert M. Hasty and Sabina D. Hasty of an infant female child, and to constitute her an heir-at-law.

SECTION 1. *The People of the State of Michigan enact*, That the adoption of an infant female child heretofore adopted by Gilbert M. Hasty and Sabina D. Hasty, his wife, be and is hereby duly authorized, and the said child is hereby constituted the lawful child and an heir-at-law of the said Gilbert M. Hasty and Sabina D. Hasty, to be known by the name of Hattie Lee Hasty.

Approved April 15, 1871.

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[ No. 463. ]

AN ACT to provide for the laying out, establishing, and constructing a State road from the Saginaw river westerly to Freeland Station, in the county of Saginaw, to be known as the Kochville and Freeland Station State road.

SECTION 1. *The People of the State of Michigan enact*, That Charles Stevens, of Portsmouth, Bay county, and John Leinberger, of the town of Kochville, in Saginaw county, be and they are hereby appointed commissioners to lay out, establish,

Line of road and construct a State road commencing on the west bank of the Saginaw river, in the township of Kochville, in the county of Saginaw, running thence westerly on the most eligible route to Freeland Station, in the county of Saginaw, to be known as the Kochville and Freeland Station State road.

Commissioner to lay out and file description of road.

Sec. 2. It shall be the duty of said commissioners, on or before the first day of July next, in the year one thousand eight hundred and seventy-one, to proceed to lay out said road and cause the same to be surveyed and a description thereof to be filed with the township clerk of the respective townships on the line thereof, whose duty it shall be to record the same, and such record shall be *prima facie* evidence of the existence of said road; and said commissioners, on the laying out of said road, shall be governed by the laws relating to the commissioners of highways, and they shall have all the powers of commissioners of highways so far as such powers may be necessary to carry out the provisions of this act.

Non-resident highway tax appropriated.

Sec. 3. For the purpose of laying out, establishing, and constructing said road, all the non-resident highway taxes assessed on non-resident lands within two miles of such road on either side thereof, for a period of four years from the first day of March, in the year eighteen hundred and seventy-one, is hereby appropriated to be expended by said commissioners for such purpose.

Commissioners to execute bonds.

Sec. 4. The said commissioners, before entering upon the discharge of the duties of their offices, shall take and subscribe the constitutional oath of office, and shall execute a bond to the people of the State of Michigan, in the penal sum of two thousand dollars, with such sureties as the treasurer of the county of Saginaw may approve, conditioned that such commissioners will faithfully discharge the duties of said office and expend all moneys received by them or either of them for the construction of said road as directed by this act, which oath and bond shall be filed with said county treasurer

in his office; and said commissioners shall receive, while engaged in the discharge of their official duties as such commissioners, the sum of three dollars per day, which shall be audited by the board of supervisors of the county of Saginaw and paid out of the fund created by this act.

Compensation of commissioners.

Sec. 5. It shall be the duty of said commissioners to file with the county treasurer of the county of Saginaw a full description of the route and survey of the road as surveyed and established by them.

Survey to be filed with county treasurers.

Sec. 6. It shall be the duty of said commissioners to make out and file with the supervisors of the several organized townships through which said road runs, a full description of the route and survey of the road as surveyed and established by them, and the supervisor of the several organized townships through which said road runs, are hereby authorized and required that in making out their statement of taxes to the township treasurer they shall state the amount of non-resident highway tax belonging to said road as provided by this act.

Surveys to be filed with supervisors.

Sec. 7. Any overseer of highways within any township through which said road may run, or any township treasurer thereof, who may receive any portion of such non-resident highway taxes for the period of four years from the first day of March, eighteen hundred and seventy-one, shall pay the same over to the county treasurer of the county of Saginaw, to be held by him for the construction of said road. The said overseers of highway and township treasurer shall be entitled to receive a receipt from said county treasurer for all moneys paid over by them under this act, which shall be a sufficient voucher for them that they have properly paid over such non-resident highway tax.

Officers receiving moneys to pay same to county treasurer.

Sec. 8. It shall be the duty of the said county treasurer to pay over to the commissioners named in this act, from time to time, such sums as he (said county treasurer) may receive, to be expended by said commissioners in laying out, establishing, and constructing said road. The contract for construct-

Same to pay to commissioners.

Letting of  
contract.

ing said road, or any portion thereof, shall be let to the lowest bidder, at such time and place as the said commissioners shall designate, and notice for the letting such contract shall be posted in at least three of the most public places in the township of Kochville, in the county of Saginaw, and also in the township where the work is to be done, at least ten days before the time designated for letting such contract in said notice.

Annual report of commissioners to supervisors.

Sec. 9. It shall be the duty of said commissioners to render to the board of supervisors of the county of Saginaw, at their annual session in each year, verified by their oaths or affidavit, of the application and disbursements of all moneys that may have come into their hands under this act, for constructing said road.

Vacancy and removal from office.

Sec. 10. In case the commissioners mentioned in this act, or either of them, shall not accept of the appointment, or a vacancy occur from any cause, then it shall be lawful for the Governor of this State to fill such vacancy by appointment. And it is further provided that the Governor shall remove such commissioners, or either of them, if he shall become satisfied that they, or either of them, are not properly discharging the duties required by this act.

Use of moneys.

Sec. 11. Said commissioners shall lay out and expend all moneys that may come into their hands under this act, in laying out, establishing, and constructing said road, in the manner hereinbefore provided.

No liability to attach to State.

Sec. 12. No liability shall be created against the State by the provisions of this act.

Sec. 13. This act shall take immediate effect.

Approved April 15, 1871.

[ No. 464. ]

AN ACT to change the name of Ernest Meddau to Ernest McCullough, and to constitute him the heir-at-law of John McCullough, of Genesee county, Michigan.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Name changed.</sup> the name of Ernest Meddau be and the same is hereby changed to Ernest McCullough, and he is hereby made and constituted the legal heir-at-law of John McCullough, of Genesee county, State of Michigan.

Sec. 2. This act shall take immediate effect.

Approved April 15, 1871.

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[ No. 465. ]

AN ACT to confirm the title to lot one, of block ninety-six, of the city of Lansing, in "St. Paul's Episcopal Church" of said city of Lansing, and to authorize said society to dispose of the same.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Title confirmed and authority to sell property conferred.</sup> the title to lot one, of block ninety-six, of the city of Lansing, be and the same is hereby confirmed and vested in "St. Paul's Episcopal Church" of said city of Lansing, and that said society be authorized to mortgage, sell, and dispose of the same.

Sec. 2. This act shall take immediate effect.

Approved April 15, 1871.

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[ No. 466. ]

AN ACT to authorize the city of East Saginaw to purchase or build and maintain a bridge across the Saginaw river.

SECTION 1. *The People of the State of Michigan enact, That* <sup>City may borrow money.</sup> the city of East Saginaw may borrow any sum of money not

**Purpose.** exceeding fifty thousand dollars, to be used exclusively for the purpose of purchasing or building a bridge across the Saginaw river from some point within the limits of said city.

**Council to determine terms of loan.** Sec. 2. The common council of said city shall have the power to fix the time, rate of interest, not exceeding ten per centum per annum, and place of payment of the principal and interest voted under the provisions of this act, and to issue the bonds or other evidence of indebtedness of said city.

**Council to control bridge.** Said common council shall have control of said bridge when built, and shall provide by tax on said city or otherwise for the maintenance of the same: *Provided*, That it shall not be lawful for

**Proviso.** the common council of said city to borrow any portion of said sum of money unless the question of borrowing the same shall have been first submitted to the electors of said city at its annual election, or at a special election called for that purpose by the common council of said city, and a majority of the electors voting at such election voting therefor by ballot:

**Proviso.** *And provided further*, That none of said bonds shall be payable in less than five years nor longer than twenty years from the date thereof.

Sec. 3. This act shall take immediate effect.

Approved April 15, 1871.

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[ No. 467. ]

AN ACT to provide for the improvement and completion of the Mineral Range State road extension, and the Ontonagon and State line State road.

**Lands conferred on Ontonagon county.** SECTION 1. *The People of the State of Michigan enact*, That the State swamp lands appropriated under acts number one hundred and fifty-eight and one hundred and sixty-four, of the session laws of eighteen hundred and sixty-three, be and



the same are hereby conferred upon the county of Ontonagon for the improvement and completion of the roads specified in said acts; the patents for said lands to be issued to the county of Ontonagon, on completion of said roads as hereinafter provided. Issue of patents for same.

Sec. 2. The board of supervisors of said county of Ontonagon are hereby authorized to advertise for proposals for the improvement and completion of said roads, in sections or otherwise, as they may determine, and to contract for the same with the lowest responsible bidder furnishing satisfactory security for the faithful performance of the work. Letting of contracts for completion of road.

Sec. 3. That upon filing in the office of the Commissioner of the State Land Office, the certificate of the county surveyor of said county of Ontonagon, showing the length of each of said roads as now established, there shall be withheld from sale during the time limited in this act for the completion of said roads, two sections per mile of the swamp lands in the Upper Peninsula; said lands to be withdrawn from market upon filing in the office of said Commissioner the list of selections made by the board of supervisors of said county, and certified by the chairman and clerk of said board. Lands to be withheld from market.

Sec. 4. That whenever any ten consecutive miles of either of said roads shall be completed and approved by said board of supervisors, and such approval certified to by the chairman of said board, the clerk thereof shall serve notice of such approval on the Commissioner of the State Land Office, who shall issue patents to the said county, or their assigns, for twenty sections of said swamp lands; and in case said board of supervisors shall fail in whole or in part to select said lands, warrants of the Auditor General entitling said county or its assigns to locate and receive patents for said lands shall be issued to said county. Patents for lands to issue on completion of sections of road.

Sec. 5. Said roads shall be completed within five years from the passage of this act. Time for completion of road.

Acts repealed. Sec. 6. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 7. This act shall take immediate effect.

Approved April 15, 1871.

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[ No. 468. ]

AN ACT to amend sections one, two, three, and five, of an act entitled "An act to lay out and establish a State road from Angell's Landing (so called), on section twenty-eight, in township twenty-nine north, of range eight west, in the county of Antrim, to the center of township twenty-nine north, of range one west, in the county of Otsego," being act number four hundred and thirty-two, of the session laws of eighteen hundred and sixty-nine, approved April third, eighteen hundred and sixty-nine.

Sections amended.

SECTION 1. *The People of the State of Michigan enact, That* sections one, two, three, and five, of an act entitled "An act to lay out and establish a State road from Angell's Landing (so called), on section twenty-eight, in township twenty-nine north, of range eight west, in the county of Antrim, to the center of township twenty-nine north, of range one west, in the county of Otsego, being act number four hundred and thirty-two, of the session laws of eighteen hundred and sixty-nine, approved April third, eighteen hundred and sixty-nine, be amended so as to read as follows :

Commissioner appointed.

SECTION 1. *The People of the State of Michigan enact, That* Alfred A. Dwight be and he is hereby appointed a special commissioner to construct, improve, and complete the State road heretofore laid out and established from Angell's Landing (so called) on section twenty-eight, in township twenty-nine north, of range eight west, in the county of Antrim, to the center of township twenty-nine north, of range one west, in the county

of Ostego, which said road, and the location and survey thereof, is hereby confirmed and established, under the name Name of road. of the Alpena and Antrim State road.

Sec. 2. Said commissioner shall, within six months from Commissioner to give bond. the time this act shall take effect, take, subscribe, and deposit with the clerk of the county of Antrim the constitutional oath of office, and shall give bond to the people of the State of Michigan, to the satisfaction of the treasurer of said county of Antrim, in the penal sum of one thousand dollars, conditioned that he will faithfully apply, pay over, and expend all moneys that may come to his hands as such commissioner, in the manner and for the purposes provided in this act.

Sec. 3. It shall be the duty of the said commissioner to Moneys to be paid over to commissioner. demand, receive, and collect from any and all commissioners of highways, township treasurers, or other officers who have received or who may hereafter receive the same, any and all moneys appropriated by the said act number four hundred and thirty-two, of the session laws of eighteen hundred and sixty-nine, and, if necessary, to sue for and recover any and all such moneys in his name as such special commissioner of the Alpena and Antrim State road, and when so received or collected, the same to apply first to the costs and expenses of collecting the same, if any costs shall have been incurred therein, next to the payment of any and all work heretofore done upon said road, so far as the same remains unpaid for, and the balance, if any, upon the construction, improvement, and completion of said road. And it shall be the duty of all commissioners of highways, township treasurers, and other officers, who may have received or who shall hereafter receive any of the non-resident highway taxes appropriated by section six of said act number four hundred and thirty-two, of the session laws of eighteen hundred and sixty-nine, and which have not been paid over to Jason Angell, the commissioner in section one of said act named, or otherwise expended in accordance with the provisions of said act, to pay over to the

commissioner named in said section as amended, or to the commissioner appointed under the provisions of section seven of said act, the moneys aforesaid, and the receipt of such commissioner therefor shall be a sufficient voucher and discharge of such officer for the moneys so paid as aforesaid.

Compensation to commissioner.

Commissioner's accounts to be audited by supervisors.

Sec. 5. The commissioner named in this act shall receive three dollars per day for his services actually rendered in the discharge of the duties of his said office; his account therefor to be audited by the board of supervisors of the said county of Antrim, and when so audited and allowed, shall be taken, held, and allowed as a credit to said commissioner in his account of moneys received and paid out under this act, which said account shall be made to and settled with said board of supervisors.

Sec. 2. This act shall take immediate effect.

Approved April 15, 1871.

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[ No. 469. ]

AN ACT to organize the township of Branch, in the county of Mason.

Township organized.

SECTION 1. *The People of the State of Michigan enact, That townships number seventeen and eighteen north, of range fifteen west, in the county of Mason, be and the same is hereby organized into a separate township by the name of Branch.*

First election.

Sec. 2. The first election in said township shall be held at the house of Quincy Buswel, on the first Monday of April, eighteen hundred and seventy-one, which said election shall be conducted according to the statutes in such cases made and provided; and Henry Flynn, Charles T. Carr, and William Wellers are hereby constituted and appointed inspectors of said election.

Inspectors of same.

Sec. 3. If, for any reason, the township meeting should not be held at the time named, it shall be lawful to hold the same on any day thereafter, by giving at least ten days' notice of the time and place of holding such meeting by posting notices thereof in four of the most public places in said township, which the board of inspectors are hereby authorized and required to do.

Of failure to  
hold election  
at specified  
time.

Sec. 4. This act shall take immediate effect.

Approved April 15, 1871.

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[ No. 470. ]

AN ACT to attach certain territory, to wit: Big Summer Island, St. Martin's Island, Gull Island, and Poverty Island, to Delta county.

SECTION 1. *The People of the State of Michigan enact, That* Big Summer Island, situated in town thirty-seven north, of range nineteen west, and town thirty-six north, of range nineteen west, St Martin's Island and Gull Island, situated in town thirty-six north, of range twenty west, and Poverty Island, in town thirty-six north, of range nineteen west, be and are hereby attached to Delta county.

Territory  
attached to  
Delta coun-  
ty.

Sec. 2. This act shall take immediate effect.

Approved April 15, 1871.

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[ No. 471. ]

AN ACT to provide for laying out and establishing a State road in the township of Sherman, county of Keweenaw.

SECTION 1. *The People of the State of Michigan enact, That* A. B. Wood be and is hereby appointed commissioner to lay out, establish, and improve a State road commencing at or

Commis-  
sioner ap-  
pointed.

**Line of road.** near the township of Sherman, in the county of Keweenaw, and running thence southerly on the most eligible route to Gratiot lake, in said township.

**Act author-  
izing con-  
struction of  
road.** Sec. 3. Said road to be laid out and constructed under the provisions of act number one hundred and seventeen of the session laws of eighteen hundred and fifty-nine, approved February twelfth, eighteen hundred and fifty-nine, and acts amendatory thereto.

**Swamp land  
appropriated** Sec. 4. To secure the construction of said road, there is hereby appropriated two sections of State swamp land per mile of said State road, the same to be expended for the construction of said road under the provisions of said act and acts amendatory thereto: *Provided*, That the lands hereby appropriated shall be selected and taken from swamp land in the Upper Peninsula; and no liability is created against the State of Michigan outside of the State swamp land grant; and that no deficiency of State swamp lands which may now or hereafter exist, to meet any appropriation made by this act, shall be so construed as to create any lien or establish any claim against the State.

**Name of  
road.** Sec. 5. Said road shall be known as the Eagle Harbor and Gratiot lake State road.

Sec. 6. This act shall take immediate effect.

Approved April 17, 1871.

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[ No. 472. ]

AN ACT to lay out and establish and improve a swamp land State road from Gratiot river, in the line of the Mineral Range State road, in the township of Clifton, county of Keweenaw, to the head of Torch lake, in the township of Schoolcraft, in the county of Houghton.

**Commis-  
sioner ap-  
pointed.**

SECTION 1. *The People of the State of Michigan enact*, That Philip Harrington, of Keweenaw county, be and is hereby appointed commissioner to lay out, establish, and improve a

State road, commencing at the Gratiot river, in the line of the Line of road. Mineral Range road, in the township of Clifton, county of Keweenaw, and running on the most feasible and direct route to the head of Torch lake, in the township of Schoolcraft, county of Houghton, to be known as the Gratiot river and Torch lake State road ; said road to be laid out and constructed Act author- izing road. under the provisions of an act entitled " An act to provide for the drainage and reclamation of swamp lands, by means of State roads and ditches," number one hundred and seventeen, of the laws of eighteen hundred and fifty-nine, and the acts amendatory thereto.

Sec. 2. To secure the construction of said road, there is Swamp land appropriated hereby appropriated two sections of State swamp land per mile of said road, under the provisions of the aforementioned act and acts amendatory thereto : *Provided*, That the land Provide. hereby appropriated shall be selected and taken from the swamp land in the Upper Peninsula.

Sec. 3. No deficiency of State swamp land which may now Deficiency of same. or hereafter exist, to meet any appropriation made by this act, shall be so construed as to create any lien or establish any claims against the State.

Sec. 4. This act shall take immediate effect.

Approved April 17, 1871.

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[ No. 473. ]

AN ACT to provide for the protection of fruit trees in Berrien county, Michigan.

SECTION 1. *The People of the State of Michigan enact*, That Appoint- ment of commis- sioners to examine trees. the Governor, on petition of any five or more persons, fruit-growers in any town of Berrien county, claimed by them to be in the fruit-belt of Michigan, may in each and every year appoint three commissioners, whose duty it shall be to visit and exam-

ine those peach orchards where there is any reason to believe any disease exists, in their respective townships, between the first and fifteenth day of August, and also between the first and fifteenth day of September in each year, and at such other times as shall in their judgment be necessary.

Examina-  
tion.

Sec. 2. The commissioners shall cut a large X on every tree believed by them to be infected with any contagious disease, keeping a record thereof, and they shall notify the owner or person in charge thereof to cut down or effectually destroy the tree so marked, within five days.

Commis-  
sioners' fees.

Sec. 3. The fees of said commissioners shall be two dollars per day for each day's services, which shall be paid by the township.

Sec. 4 This act shall take immediate effect.

Approved April 17, 1871.

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[ No. 474. ]

AN ACT to establish and construct a State road, to be known as the Gilford and Portsmouth State road, and making an appropriation of non-resident highway taxes for the same.

Commis-  
sioner to be  
appointed.

SECTION 1. *The People of the State of Michigan enact*, That there shall be laid out and estab'lished by a commissioner to be appointed by the Governor, a State road commencing at

Line of road.

the northeast corner of section thirty-four, in the township of Gilford, in the county of Tuscola, and running west on the section line between section twenty-seven and thirty-four to the southeast corner of section twenty-eight, in said township of Gilford, thence north on the section line two miles, thence due west on the section line to the Tuscola and Bay City plank road, thence on the most eligible route to Portsmouth



in Bay county, said road to be known as the Gilford and Portsmouth State road.

Sec. 2. It shall be the duty of said commissioner, within three months after his appointment, to proceed to lay out and establish said road, and to cause the same to be surveyed and a description thereof to be filed in the office of the township clerk of the townships through which said road shall pass; and it shall be the duty of the township clerk to record the same; and such records shall be *prima facie* evidence of the existence of such road.

Location of road.

Survey to be filed and recorded.

Sec. 3. In cases where damages may be claimed by reason of laying out and establishing said road, the same proceedings shall be had thereon as may be required by law for the assessment of damages in case of roads laid out by highway commissioners.

Damages.

Sec. 4. For the purpose of constructing said road there is hereby appropriated all the non-resident highway tax one and one-half mile each side of the line of said road, for the term of four years from and after the passage of this act.

Non-resident highway tax appropriated.

Sec. 5. Any overseer of highways or township treasurer, having received any portion of such non-resident tax, shall, on demand of the special commissioner herein provided for, pay over to such special commissioner any such sum of money, and such commissioner's receipt shall release such overseer or treasurer from liability.

Officers receiving money to pay same to commissioner.

Sec. 6. Such special commissioner shall receive for his services the sum of two dollars per day, which, including the expenses of survey, shall be paid out of the non-resident highway tax hereby appropriated, and it shall be his duty to render under oath to the boards of supervisors of said counties at their annual session, a true account of the receipts and disbursements of all the money received by him during each year from such townships respectively.

Compensation of commissioner.

Accounts of same.

Sec. 7. Said commissioner, before he shall be entitled to recover any moneys so collected as aforesaid, shall make and

Commissioner to give bond.

execute to the people of the State of Michigan a bond in the sum of two thousand dollars, with such sureties as the county clerk of the county of Tuscola shall approve, conditioned that he will faithfully apply all moneys received by him in virtue of this act, which bond shall be filed in the office of said county clerk.

Sec. 8. This act shall take immediate effect.

Approved April 17, 1871.

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[ No. 475. ]

AN ACT to provide for laying out and constructing a State road in the townships of Muzzy and Lynn, in the county of St. Clair, State of Michigan, and making an appropriation of non-resident highway taxes to aid in constructing the same, to be known as the Muzzy and Lynn State road.

Commissioner to be appointed.

SECTION 1. *The People of the State of Michigan enact, That* there shall be laid out and established, by a commissioner to be appointed by the Governor of the State of Michigan, a

Line of road.

State road, commencing at the center of the township of Muzzy, in the county of St. Clair, Michigan, running thence in a northwesterly course on the most feasible route to the northwest corner of the township of Lynn, in the county of St. Clair.

Commissioner to lay out and file description.

Sec. 2. It shall be the duty of said commissioner, within six months after his appointment, to proceed to lay out and establish said road, and to cause the same to be surveyed, and a description thereof to be filed with each of the township clerks of the townships of Muzzy and Lynn, in the county of St. Clair, whose duty it shall be to record the same, and such record shall be *prima facie* evidence of the existence of such road.

Damages.

Sec. 3. In all cases where damages may be claimed by reason of laying out and establishing said road, the same proceedings

shall be had thereon as may be required by law for the assessment of damages in case of roads laid out by highway commissioner.

Sec. 4. For the purpose of constructing said road there is hereby appropriated all the non-resident highway tax two miles each side of the line of said road, for the term of three years from the passage of this act. The highway taxes appropriated by this act shall be expended in the township in which the same is collected.

Non-resident highway tax appropriated.

To be expended where collected.

Sec. 5. The State shall not be liable for any expense or damage sustained by reason of this act, but the townships of Muzzy and Lynn aforesaid shall pay for the survey and necessary expense, and shall pay the commissioner the same compensation allowed by law to highway commissioner.

State not to be liable for road.

Compensation of commissioner.

Sec. 6. Any overseer of highways or township treasurer having received any portion of such non-resident highway tax shall, on demand of the special commissioner herein provided for, pay over to such commissioner any such sum of money, and said commissioner's receipt therefor shall release such overseer or treasurer from liability.

Officers receiving money to pay same to commissioner.

Sec. 7. It shall be the duty of such special commissioner to render to the board of supervisors of said county of St. Clair, at their annual session, a true account, on oath or affirmation, of the receipts and disbursements of all such money received by him during each year from such townships respectively.

Commissioner to render annual account

Sec. 8. Said commissioner, before he shall be entitled to receive any money so collected as aforesaid, shall make and execute to the county treasurer of said county a bond in the sum of one thousand dollars, with such surety or sureties as the said county treasurer shall approve, conditioned that he will faithfully apply all moneys received by him by virtue of this act, which bond shall be filed in the office of the county clerk of said county.

Commissioner to give bond.

Sec. 9. This act shall take immediate effect.

Approved April 17, 1871.

[ No. 476. ]

AN ACT to provide for the laying out and constructing a State road in the counties of Clare and Gladwin.

Line of  
road.

SECTION 1. *The People of the State of Michigan enact*, That there shall be laid out and established a State road in the counties of Clare and Gladwin, to be called the Clare and Gladwin State road, commencing at a point on the south line of Clare county, at or near the southwest corner of section thirty-six, in town seventeen north, of range five west, running thence north and east by the most eligible route across the north side of township seventeen north, range four and three west, and to some point on the Midland and Houghton lake State road, either at or south of the intersection of said road with the east line of said Clare county.

Non-resi-  
dent high-  
way taxes  
appropri-  
ated for.

Sec. 2. All non-resident highway taxes assessed and unexpended for the year eighteen hundred and seventy, and hereafter to be assessed and collected for a period of three (3) years thereafter on the lands below described, to wit: the west half of towns eighteen, nineteen, and twenty north, of four west, also all unexpended non-resident highway taxes appropriated under act number four hundred and sixty-seven, of session laws of eighteen hundred and sixty-seven, and act number three hundred and ninety-nine, of session laws of eighteen hundred and sixty-nine, accruing from territory lying west of the east line of range three west, and from township eighteen north, of range two west, and north of the north line of Isabella county.

Commis-  
sioner to be  
appointed  
for.

Sec. 3. For the purpose of laying out and constructing said road by prudently and judiciously expending the moneys hereby appropriated, a commissioner shall be appointed by the Governor of the State, who shall be a citizen of Clare or Gladwin county, and whose duty it shall be to receive said moneys and faithfully use and expend them as above provided; and if any commissioner so appointed shall fail or neglect the

proper discharge of his duties, the Governor shall have power, and it shall be his duty, to remove him and appoint another in his stead. Removal of same from office.

Sec. 4. The said commissioner, before entering on the duties of his office, shall take and subscribe the constitutional oath of office, and shall execute a bond to the people of the State of Michigan in the penal sum of two thousand dollars, with sureties, to be approved by the treasurer of the county of Clare, conditioned that said commissioner will faithfully discharge the duties of said office and expend all moneys received by him for the benefit of said road as directed by this act, which oath and bond shall be filed with the treasurer of the county of Clare. He shall receive for his services while engaged in the discharge of his official duties as commissioner, two dollars per day, which shall be audited by the board of supervisors of the county of Clare, and paid out of the fund created by this act. To execute bond. Compensation.

Sec. 5. It shall be the duty of said commissioner to lay out and establish said road, and cause a description thereof to be filed with each of the township clerks of the townships through which said road shall pass, whose duty it shall be to record the same, and such record or a certified copy of the same shall be *prima facie* evidence of the existence of said road. Description and survey to be filed and recorded

Sec. 6. In all cases wherein damages may be claimed by reason of the laying out and establishing said road, the same proceedings shall be had thereon as may be required by law for the assessment of damages in cases of roads laid out by highway commissioners. Damages.

Sec. 7. It shall be the duty of said commissioner to make out and file with the supervisors of the several townships through which said road runs, or to which the above described townships may be attached, a full description of the route and survey of said road, as surveyed and established by him, including also a statement of the territory, the taxes of which are appropriated to said road, as above stated; and the super- Survey to be filed with supervisor.

Officers receiving money to pay same to commissioner.

visors of the said several organized townships are hereby authorized and required that in making out their statement of taxes to the township treasurers they shall state the amount of non-resident highway tax belonging to said road as provided by this act; and any overseer of highways within any township through which such road may run, or any township treasurer thereof, who may receive any portion of such non-resident highway tax for the period above mentioned, shall pay the same over to the county treasurer of his proper county, to be held by him, and paid over on demand of said commissioner, who shall receive and expend the same as above provided; and it shall be the duty of the commissioner to be appointed under this act to demand and receive the non-resident taxes hereby appropriated from each and every officer, or person, into whose hands any of such taxes have or may hereafter come, and if the same are not paid upon such demand, said commissioner, or his successor, may bring suit or suits, in his own name, for the use and purpose above designated, and recover such taxes with costs of suit against such person or officer, and his or their bondsmen, and apply and expend said moneys as herein provided.

Annual account of commissioner to supervisors.

Sec. 8. It shall be the duty of said commissioner to render to the board of supervisors of each county through which said road passes, at their annual meeting in each year, a statement of the application and disbursement of all moneys that may have come into his hands for constructing said road.

Sec. 9. This act shall take immediate effect.

Approved April 17, 1871.

[ No. 477. ]

AN ACT to provide for the completion and improvement of the Midland and Isabella State road, and making an appropriation of non-resident highway taxes therefor.

SECTION 1. *The People of the State of Michigan enact, That* Non-resident highway taxes appropriated. for the purpose of completing the construction of the Midland and Isabella State road, and improving other parts of said road heretofore constructed, there is hereby appropriated all the non-resident highway tax assessed or to be assessed in township fourteen north, of range one west, and township fourteen north, of range two west, for the years eighteen hundred and seventy-one and eighteen hundred and seventy-two.

Sec. 2. The money arising from said tax shall be expended Expenditure of same. by a special commissioner to be appointed by the Governor, for the purposes specified in section one of this act.

Sec. 3. Any overseer of highways or township treasurer Officers receiving same to pay over to commissioner. having received any portion of such non-resident highway tax shall, on demand of the special commissioner herein provided for, pay over to such commissioner any such sum of money, and said commissioner's receipt therefor shall release such overseer or treasurer from liability.

Sec. 4. It shall be the duty of such special commissioner Annual report of commissioner to supervisors. to render to the board of supervisors of Midland county, at their annual session, a true account on oath or affirmation of the receipts and disbursements of all such money received by him during each year from such townships respectively.

Sec. 5. Said commissioner, before he shall be entitled to receive any money so collected as aforesaid, shall make and execute to the people of the State of Michigan for the use of said county, a bond in the sum of one thousand dollars, with such surety or sureties as the county treasurer thereof shall approve, conditioned that he will faithfully apply all moneys received by him by virtue of this act, which bond shall be filed in the office of the county clerk of said county. Commissioner to give bonds

Approved April 17, 1871.

[No. 478.]

AN ACT to lay out and establish a State road from the village of Cheboygan, in the county of Cheboygan, to Little Traverse Bay, in Emmet county.

Road established.

SECTION 1. *The People of the State of Michigan enact*, That there shall be laid out and established by one or more commissioners to be appointed by the Governor, a road commencing at the mill-dam in the village of Cheboygan, in the county of Cheboygan, and thence in the most direct route to Little Traverse Bay, in Emmet county; said road to intersect with the Little Traverse and Mackinaw City State road, and to be laid out and constructed under the provisions of act number one hundred and seventeen, of the laws of eighteen hundred and fifty-nine, and the acts amendatory thereto, and to be known as the Cheboygan and Little Traverse Bay State road.

Line of road.

Swamp land appropriated.

Proviso.

Proviso.

Sec. 2. To secure the construction of said road, there is hereby appropriated an average amount of one section of State swamp land to each mile of said road: *Provided*, That the lands hereby appropriated shall be selected from the swamp lands in the Lower Peninsula: *Provided further*, That the State shall in no wise be liable in consequence of any deficiency in State swamp lands.

Sec. 3. This act shall take immediate effect.

Approved April 17, 1871.

[No. 479.]

AN ACT to establish a police government for the city of Detroit.

Board of metropolitan police.

SECTION 1. *The People of the State of Michigan enact*, That all powers and duties connected with and incident to the police government and discipline of the city of Detroit shall be, as



hereinafter more especially provided, vested in and exercised by a board of metropolitan police, composed of four commissioners of metropolitan police, and by a superintendent of metropolitan police, one or more captains of metropolitan police, sergeants of metropolitan police, and patrolmen of metropolitan police. A majority of said board shall constitute a quorum for the transaction of business.

Sec. 2. There are hereby appointed, as such commissioners of metropolitan police, Jacob S. Farrand, to hold office until the first day of February, one thousand eight hundred and seventy-three; Alexander Lewis, to hold office until the first day of February, one thousand eight hundred and seventy-five; John J. Bagley, to hold office until the first day of February, one thousand eight hundred and seventy-seven; Sidney D. Miller, to hold office until the first day of February, one thousand eight hundred and seventy-nine, and until their successors are chosen and qualified.

Members of  
first board  
and terms  
of office.

Sec. 3. The term of office of each commissioner of metropolitan police, after the respective determinations of the terms aforesaid, shall be eight years, and the Governor shall nominate, and by and with the advice and consent of the Senate, shall appoint from the citizens of Detroit who shall be freeholders, a successor to the person whose term shall be about to expire as such commissioner. Any vacancy occurring during the term of any commissioner shall be filled by appointment of the Governor, and the commissioner so appointed shall continue in office until his successor shall be appointed in manner aforesaid.

Terms of  
office.

Vacancies.

Sec. 4. The persons severally appointed commissioners of metropolitan police by virtue of this act shall, before exercising the duties thereof, duly take and file in the office of the Secretary of State, the oath of office prescribed for State officers. Immediately upon receiving said oath of office, the Secretary of State shall give to each commissioner a certificate of his appointment, whereupon he shall possess the power and

Members to  
file oath  
with Sec-  
retary of State

Issue of cer-  
tificate of ap-  
pointment.

exercise the duties of commissioner of metropolitan police prescribed by this act.

Police officers.

Sec. 5. The said board of metropolitan police shall have power to appoint a superintendent of the police force, a captain of police, one or more officers to be called and act as detectives, one captain in addition to each thirty patrolmen called into service more than the first thirty, four sergeants of police to each fifty patrolmen, an attorney, surgeon, one or more roundsmen, doormen, janitors, and fifty or more patrolmen, who shall receive compensation (provided the total number of patrolmen so appointed shall not exceed one hundred and fifty), and as many patrolmen with or without compensation, in time of special emergency, or apprehended danger from riot, or other cause of alarm, as they shall deem expedient.

Suspension and removal of same.

Said board shall also have power, for cause assigned on a public hearing, and on due notice, according to rules to be promulgated by them, to remove or suspend from office or for a definite time deprive of pay any member of such police force, (except that detectives, the attorney, and surgeon may be dismissed at any time by said board), to make rules and regulations for the discipline and government of said force, and shall cause the same to be published, and to make and promulgate general and special orders to said force through the superintendent of police, who shall be the executive head of the force.

Regulations for police.

Board to elect a president and secretary.

Sec. 6. The said board shall appoint one of their own number to act as president, who shall be *ex officio* member of the board of health, and some person not a member of the board

Secretary to give bonds.

to act as secretary and property clerk, who shall give bonds to said board in an amount and with sureties to be approved by said board, conditioned for the safe keeping by him, and his rendition upon the order of the board, of all money and other property which shall come into his hands by virtue of his office, and he shall receive such compensation annually as may be determined by said board, and hold his office at the pleasure of said board.

Board to determine his compensation.

Sec. 7. Said board shall assume and exercise the entire control of the police force of said city, and shall possess full power and authority over the police organization, government, appointments, and discipline within said city. It shall have the custody and control of all public property, books, records, and equipments belonging to the police department, and shall have power to erect and maintain all such lines of telegraph in such places within the said city as for purposes of police the board shall deem necessary, whenever the common council shall authorize the establishment of such telegraph line or lines and provide for the cost thereof.

Board to have entire control of police, etc.

Sec. 8. It shall be the duty of the board of police, and of the force hereby constituted, at all times of the day and night, within the boundaries of said city of Detroit, to preserve the public peace, to prevent crime, and arrest offenders; to protect rights of person and property, to guard the public health, to preserve order, to enforce all laws of the State, and all ordinances of the said city, relative to inspecting and sealing weights and measures; to designate, at any time of the year, and as often as they shall deem necessary, a member of the force to perform the duties of sealer of weights and measures in said city; and the person so designated shall have the exclusive power to perform said duties in said city, and shall, during the time he is directed by said board to perform said duties, try, prove, and seal all scales, beams, weights, and measures used in said city for the purpose of buying and selling, without giving any notice, as is now required by law: *Provided*, The person so designated shall neither receive nor charge compensation nor fee for performing said duties; to collect all license moneys under the laws of the State, the charter and ordinances of said city, and to account for and pay the same to the person authorized by law to receive them; to designate from time to time a member of the force to collect said license money, and the persons so designated shall have exclusive power to collect said moneys in said city; to

Duties of board.

To preserve peace, etc.

To enforce the sealing of weights, etc.

Provide.

Collection of license moneys.

Harbor  
master.

Proviso.

City scaven-  
gers.

Expenses of  
the pursuit  
of criminals.

Nuisances,  
etc.

Fires.

Travelers,  
etc.

designate at any time of the year, and so often as they shall deem necessary, a member of the force to perform the duties of harbor master, and the person so designated shall have the exclusive power to perform said duties in said city, under the ordinances which may from time to time be prescribed by the common council: *Provided however*, That this section shall not be construed to effect any person heretofore appointed by said common council, on the nomination of the mayor, to the office of harbor-master of the port of Detroit, or to remove him therefrom, prior to the expiration of the period for which he was so appointed; to appoint from time to time, as they may deem fit, one or more city scavengers, who shall have the exclusive power to perform the duties of such officers in said city, and shall be liable to such penalties as are or may be prescribed by the ordinances, and shall be entitled to receive such compensation and fees as the said board may by general order direct; to audit and allow all bills for traveling expenses incurred in the pursuit of criminals by members of the force, or any other officer or person, and to present the same to the board of county auditors of Wayne county for payment, in all cases where criminals are charged with offenses committed in said city; and the said board of auditors shall in no case allow, or cause to be paid by said county, any bill or account for the pursuit or apprehension of criminals charged with or suspected of the commission of crime in said city, unless the said bill or account is presented by said board of police, and endorsed as allowed by the president and secretary thereof; to remove nuisances existing in public streets, roads, places, highways, yards, and out-houses; to report all leaks and defects in water-pipes and sewers to the proper authorities; to provide a proper force at every public fire in order that thereby the firemen may be protected in the performance of their duties, and property preserved for the owners thereof; to protect strangers and travelers at steam-boat and ship landings and railway stations, and generally to

carry out and enforce all ordinances of the city and laws of the State. Whenever any crime shall be committed in said city, and the person or persons accused or suspected of being guilty shall flee from justice, the said board of police may, at their discretion, authorize any person or persons to pursue and arrest such accused or suspected person or persons and return them to the proper court having jurisdiction of the offense for trial. Fugitives  
from justice.

Sec. 6. The qualification, enumeration and distribution of duties, and mode of trial, and removal from office of each officer and member of said police force, shall be particularly defined and prescribed by rules and regulations of the board of police; and no person shall be appointed to or hold office in the police force who is not a citizen of the State of Michigan, shall not have resided in said State two years next preceding his appointment, who cannot read and write the English language, and who has ever been convicted of any crime: *And provided,* Qualifica-  
tions of po-  
licemen. That no person (except the surgeon, attorney, detectives, and secretary and property clerk) shall be removed from said force, except upon written charges preferred against him to the board of police, and after opportunity of being heard in his defense; but the board of police may suspend any member of the force pending the hearing of charges against him: *And provided,* Removals. Whenever any vacancy shall occur in the office of captain of police, the same shall be filled from among the persons then in office as sergeants of police, and a like vacancy in the office of sergeant of police shall be filled from among the persons then in office as roundsmen or patrolmen. The police commissioners shall receive no compensation whatever for their services during their term of office. Promotions. The superintendent of police shall receive a salary not exceeding two thousand dollars per annum. Each captain shall receive a salary not exceeding twelve hundred dollars per annum; and each sergeant a salary not exceeding one thousand dollars per annum; and each patrolman a salary not to exceed nine hundred dollars per annum. All salaries Compensa-  
tion.

Salaries.

Receipt of presents, etc., forbidden.

shall be prescribed by the board of police, and shall be paid monthly to the person entitled thereto. The compensation to be paid to all other officers, appointees, and employes of the force shall be determined by the said board. No member of the board of police or of the police force shall receive or share in, under any pretenses whatever, any present, fee, gift, or emolument for police services other than the regular salary and pay provided by this section, except by the unanimous consent of said board; and it shall be the duty of every member of said board or the police force to return to the property clerk (to be disposed of as hereinafter prescribed) every present, fee, gift, or emolument received by him, with the consent of the board, except said board permits him to retain the same for his own use; and all moneys and proceeds of all property received from this source shall be disposed of by said board as if the same had been paid or given for extra or ordinary services, as prescribed in the eleventh section of this act. Nor shall any member of said force receive or share in any fee, gift, or reward from any person who may become bail for the appearance of any arrested, accused, or convicted person, or who may become surety for any such person on appeal from the judgment or decision of any court or magistrate, or any fee, gift, or reward, in any case, from any attorney at law who may prosecute or defend any person arrested or prosecuted for any offense within the county of Wayne; nor shall any member, either directly or indirectly, interest himself or interfere in any manner whatever in the employment or retainer of any attorney, to aid in the defense of persons arrested or accused; and for any violation of either of the foregoing provisions, the member so offending shall be immediately removed from office.

Complaints against policemen.

Sec. 10. Any citizen of Detroit, or officer of the police force, with a view to the trial and suspension or removal from office of any officer or patrolman of the police force, may, on oath, in writing, prefer or make before the board charges or complaint touching the character and competency, or effecting the acts,

conduct, or omission of such officer or policeman, or for violation of, or misconduct, as defined or prescribed by the rules and regulations of the board; and said board, after reasonable notice, in the discretion of the board, to the person charged, shall proceed to the trial of said officer or policeman, on such charges or complaint, and shall have power to, and shall issue subpoenas, tested in the name of the president of the board, to compel the attendance of witnesses, to administer oaths and affirmations, and generally shall, for the purpose of such trial, have and exercise the powers and duties of justices of the peace in civil cases, so far as the same are applicable, and may make an order of removal or suspension for some certain period. If, on such trial, said charges or complaint shall be sustained, such officer or policeman shall pay the cost of such proceedings, and the same may be deducted and withheld from his pay, and in case of his suspension, his pay shall also cease from the date of the charge, and during the suspension. In trials under this section the same costs shall be charged and taxed as in trials before justices, and be collected on execution, as the case may be, from the court, or on execution to be issued by any justice of the peace, on certificate of the same by the board, and order for execution; said costs, when collected, to be paid to the treasurer of the board, for the benefit of those concerned; but the said board shall not tax or receive any fees for themselves, or for any member thereof.

Sec. 11. All rewards, fees, proceeds of gifts and emoluments that may be allowed by the board of police to be paid and given for or on account of extraordinary services of any member of the police force, and all moneys arising from the sale of unclaimed goods, shall be paid into the city treasury, and shall constitute a fund to be called the "Police life and health insurance fund;" and the person who shall from time to time fill the office of president of the board of police, and that of the comptroller of the city of Detroit, are hereby declared the trustees of said fund, and may invest the same as they shall

Trial of accused officer.

Rewards, fees, etc., to be paid into city treasury

"Police life and health insurance fund."

see fit, either in whole or in part, and shall have power to draw the same from the treasury for that purpose.

Disabled  
policemen.

Sec. 12. Whenever any member of the police force, in actual performance of his duty, and in consequence of the performance of such duty, shall become bodily disabled, his necessary expenses, during the time his disabilities as aforesaid continue, and consequent thereon, may become a charge upon the fund provided for in the preceding section, at the discretion of the said board of police. The board shall inquire into the circumstances, and if satisfied the charge upon said fund is correct, may order the same to be paid by the draft of the said trustees upon the said fund, each writing his signature thereto; but the provisions of this section shall not apply to special patrolmen appointed as hereinafter provided, at the request and expense of private parties.

Powers of  
police officers.

Sec. 13. The members of the police force of the city of Detroit shall possess all the common law and statutory powers of constables, except for the service of civil process; and any warrant for search or arrest, issued by any magistrate of the State of Michigan, may be executed in any part of said State, by any member of said police force, without backing or endorsement from any other magistrate or officer of said State; and for all offenses committed in the county of Wayne, the expenses incurred in serving said warrant shall be certified by the board of police, and audited and paid by said county; and in all other cases such expenses shall be determined by and paid under the direction of the proper auditing board of the county in which the offense charged in said warrant shall have been committed. The superintendent, deputy superintendent, or any captain of police, having just cause to suspect that any felony is being, or is about to be committed within any building, public or private, or on any wharf or enclosure, or on board of any ship, boat, or vessel within the said city of Detroit, may enter the same at all hours of the day or night, to take all necessary measures for the effectual prevention or detection of



all felonies, and may take, then and there, into custody, all persons suspected of being concerned in such felonies, and also may take charge of all property which he or they shall have then and there just cause to suspect has been stolen. The members of said police force shall also serve and execute all process and subpoenas issued in the recorder's court and the police court of said city, and all process and subpoenas in criminal cases, issued by justices of the peace in said city.

Sec. 14. If any member of the force, or if any two or more house-holders, shall report in writing, under his or their signatures, to the superintendent of the force, that there are good grounds (which shall be stated in said report) for believing any houses, rooms, or premises within the said city to be kept or used as a bawdy house, house or place for the resort of prostitutes, common gaming house, common gaming room, or common gaming premises, for therein playing for wagers of money at any game of chance, or the deposit or sale of lottery tickets or lottery policies, or as a cock-pit, or for harboring criminals, or for concealing stolen property, or for carrying on any trade, occupation, calling, practice, or act, prohibited by law, it shall be lawful for the said superintendent to authorize, in writing, any member or members of the force to enter the same, who may forthwith arrest all persons there found, and seize all implements of gaming or lottery tickets, or lottery policies, and convey any person so arrested before a magistrate, and bring the articles so seized to the property clerk. It shall be the duty of such superintendent to cause such arrested person to be prosecuted vigorously, and such articles seized to be destroyed, as the orders, rules and regulations of the board of police shall direct.

Gaming-houses, etc.

Sec. 15. It is hereby made the duty of the board of police, for more effectually distributing and enforcing its police government and discipline, to divide the said city of Detroit into precincts, without regard to ward boundaries, and to assign captains of police and sergeants of police to each of

Division of city into precincts.

Promulga-  
tion of reg-  
ulations.

the said precincts, as they shall deem for the best interests of said city. The board may from time to time establish a station or sub-station in each precinct or division for the accommodation of the police force on duty therein. It shall promulgate all regulations and orders through the superintendent of police; and it shall be the duty of the police force to respect and obey the said superintendent, as the head and chief of the same, subject to the rules and regulations and general orders of the board.

Special po-  
lice men.

Proviso.

Sec. 16. The board of police is hereby authorized to appoint persons of suitable character, who may be in the employment of the city in other branches or departments, special policemen or patrolmen: *Provided*, Such special policemen shall not be paid for their services as policemen, either from the police fund or the city or county treasury. Such policemen shall possess the same power as the regular police patrolmen, and shall obey the rules and regulations of the board, and conform to its general discipline.

Special  
policemen.

Sec. 17. The board of police, whenever it shall seem to them discreet, may, on the application of any person or persons, showing the necessities thereof, appoint and swear in any number of additional patrolmen to do duty at any place within said city, at the charge and expense of the person or persons by whom the application shall be made; and the patrolmen so appointed shall perform duty only at the places designated by said board; shall continue in office at the pleasure of said board for a term not exceeding one year; shall be subject to and obey the orders, rules, and regulations of said board, and conform to the general discipline of the force, and to such special regulations as may be made by such board for their government. They shall wear such dress and emblem as said board may prescribe, and shall possess, as conservators of the peace, all the powers and privileges, and perform all the duties of the force herein prescribed: *Provided*, That no patrolmen shall be appointed under this section until he shall have paid

Proviso.

into the trust fund, hereinbefore provided, the sum of five dollars. The persons so appointed may be removed at any time by the board of police without cause assigned for the removal. The board of police may also, upon any emergency, or mob, pestilence, invasion, or during any day of public election or celebration, appoint as many special patrolmen from among citizens of Detroit as it may deem advisable, and for a specified time; and during the term of service of such special patrolmen, they shall possess all the powers and privileges and perform all the duties of patrolmen of the force herein created, and shall receive such compensation, not exceeding three dollars per day, as said board may prescribe: *Provided always,* Proviso. That nothing herein contained shall give said board power to do anything in conflict with the powers of inspectors of election in said city: *Provided further,* Proviso. That policemen stationed at the polls on election days shall perform all the duties of, and be subject to all provisions of law relating to the attendance of constables at polls on election days; and no constable in said city shall receive any compensation for attendance upon the polls.

Sec. 18. No member of the police force, under penalty of forfeiting the pay which may be due to him, shall withdraw Resignations. or resign from the police force, unless he shall have given one week's notice thereof, in writing, to the superintendent of police; and no person who shall ever have been removed from the police force established by this act, for cause, shall be re-appointed by the board of police to any office in the said police force.

Sec. 19. All stolen or other property seized officially by the members of the police force shall be deposited with the property clerk, and kept in a place to be designated by said board; and in case of neglect or refusal of any officer to so deposit the property taken, or found in the possession of any person or persons arrested, he shall be deemed guilty of a misdemeanor, and be subject to indictment on information, and upon con-

viction be fined a sum not less than the value of the property nor exceeding three thousand dollars, and be imprisoned not to exceed one year; and the sentence of the court shall vacate the office of the person so convicted. All property or money taken on suspicion of having been feloniously obtained, or of being the proceeds of crime, and for which there is no other claimant than the person from whom it was taken, and all lost property coming into the possession of any member of said police force, and all property and money taken from pawn-brokers, as the proceeds of crime, or by any such member from any insane or intoxicated person, or person otherwise incapable of taking care of himself, shall be registered by the property clerk, in a book kept for that purpose, together with the name of the owner, if ascertained, and the name of the place where found, and of the person from whom taken, with the general circumstances and the date of its receipt, and the name of the officer recording the same, and shall be advertised, if the owner's name is not ascertained, in such manner as the rules and regulations of the board shall prescribe. An inventory of the money or other property shall be given to the person from whom the same is taken; and in case the same shall not, within ten days after such arrest and seizure, be claimed by any other person or persons, it shall be delivered to the person from whom it was taken, and to no other person, except by order of the board. In case said money or other property shall, within said ten days, be claimed by any other person than the one from whom it shall be seized, it shall be retained by the property clerk until after the discharge or conviction of the person from whom the same was taken; and if the claimant or claimants shall establish to the satisfaction of the court before which the person from whom such goods and money are taken, that he or they are the rightful owners of the same, the same shall be restored to him or them upon the order of said court; but if the court makes no order, said property shall be returned to the accused personally. All

property and money that shall remain in the custody of the property clerk for the period of six months, without any lawful claimant thereto, shall be put into the "Police life and health insurance fund;" and the property shall be sold, after being advertised three times in some public newspaper in said city, and the proceeds paid to said fund. The board of police shall cause to be kept general complaint books, in which shall be entered every complaint, preferred upon personal knowledge of the circumstances thereof, with the name and residence of the complainant. It shall also cause to be kept books for the registry of lost, missing, or stolen property, for the general convenience of the public and of the police force of the city. It shall also cause to be kept books of record wherein shall be entered the name of every member of the police force, his time and place of nativity, the time and place where he became a citizen (if he was born out of the United States), his age, his former occupation, number of his family and the residence thereof, the date of his appointment and dismissal from office, with the cause of the latter; and in every such record, sufficient space shall be left against all such entries wherein to make record of the number of arrests made by such members of the police force, or of any special service deemed meritorious by the captains of police. It shall also cause to be kept, in proper books, the accounts of the board, and a record of their proceedings; and they shall preserve and file copies of all bills audited and allowed, and keep an accurate account of all expenses of the police department. The board of police shall also cause to be kept and bound all police returns and reports.

Unclaimed  
property.Police  
records.

Sec. 20. It shall be the duty of the board of police to provide, at the expense of said city, all necessary accommodations within such precincts as shall be contained within the boundaries of said city, for the station-houses required by the board of police, for the accommodation of the police force of such precincts, for the lodging of vagrant and disorderly persons,

Station-  
houses.

and for the temporary detention of persons arrested for offenses.

Care of persons under arrest.

It shall also be the duty of said board of police to furnish the same suitably, and to warm and light the same by day and night, and to provide food for any person or persons detained in any of said station-houses, when such food is deemed necessary for such person or persons by the officer in charge; and

Report of arrest.

in every case of arrest, the same shall be made known to the captain or sergeant upon duty in the precinct wherein such arrest was made, by the person making the same; and it shall be the duty of said captain or sergeant, as soon as practicable after such notice, to make written return thereof, according to the rules and regulations of the board of police, together with the name of the party arrested, the offense, the place of arrest, and the place of detention. All persons arrested by the officers or members of the police force shall be detained, while in their custody, only in the places provided for that purpose; and no trial or examination of any person arrested shall be held in the office of the superintendent of police, or of the

Necessary clothing not liable to seizure.

board. Necessary and usual articles of clothing or personal apparel upon the person, or in the possession, of persons arrested and detained, shall not be taken or seized by the police, unless there be reason to suspect that the clothing has been

Detention of witnesses

stolen or obtained unlawfully. The board of police shall provide suitable accommodations within said city for the detention of witnesses who are unable to furnish security for their appearance in criminal proceedings; and such accommodations shall be in places other than those employed for the confinement of persons charged with crime, fraud, or disorderly conduct; and it shall be the duty of all magistrates, in committing witnesses, to have regard to the rules and regulations of the board of police in respect to their detention.

Bail.

Every person arrested by the police, charged with the violation of any city ordinance, shall be entitled to give special bail for his appearance to answer to such charge; but no member of

the police force shall become or furnish bail for any person arrested.

Sec. 21. The necessary expenses incurred in the execution of criminal process, for offenses charged to have been committed in the city of Detroit, and the maintenance of the police department hereby created within the said city of Detroit, shall be a city charge. Expenses of criminal process.

Sec. 22. It shall be the duty of the board of police to prepare and submit to the controller, on or before the first day of May in every year, an estimate of the whole cost and expense, not to exceed one hundred and twenty-five thousand dollars in any one year, of providing for and maintaining the police department of said city within the current fiscal year, which estimate shall be in detail, and shall be laid by the controller before the common council, with his annual estimate; and the same shall be by the common council of said city provided for in the general tax assessment, by levy to be laid on said city; and the same shall not require or be conditioned upon the vote of the freemen of the city. Said money shall be paid by the officer collecting the same into the hands of the treasurer of the board of metropolitan police, once a week or oftener. The moneys so collected shall constitute and be styled "The metropolitan police fund." The said board of police shall appoint a treasurer, who shall be the custodian of the money of said fund, and deposit the same in such place and in no other as he shall be directed by said board. He shall give security to said board that he will keep said money in said place and no other, that he will pay the same upon the order of said board, and in all respects account for the disposition of the same; and that he will perform faithfully the duties of treasurer. Said treasurer shall be appointed to serve during the discretion of the board. Board to make annual estimate of expenses. Common council to provide for same by tax levy. Style of fund. Treasurer of board. Security of same. Term of office.

Sec. 23. All moneys hereafter to be paid to any person or persons out of the police fund shall be certified by the president or acting president of the board of police to the secretary, Moneys to be paid only on warrant.

who shall draw his warrants on the treasurer therefor, and the person to whom payable; and such warrant shall be countersigned by the president, or, in his absence, by the acting president of the board of police.

Expenses  
authorized.

Sec. 24. No expenses other than salaries and pay herein provided shall be incurred by the board of police, except for rent, record books, stationery, printing, telegraphing, badges, clubs, furniture of necessary rooms and stations, the preservation, repair, and cleansing of the buildings and rooms used by the board, advertising, fuel, lights, board of prisoners, witnesses, and for the arrest, conveyance, and custody of prisoners and witnesses, and preservation of the discipline and good order of the force, unless the same shall be expressly authorized, and provision made therefor as a city charge, by the common

Proviso.

council of the city of Detroit: *Provided*, That nothing herein contained shall prevent said board from incurring all expenses which are actually necessary to perform all the duties and exercise all the powers by this act enjoined upon them and granted to them; nor to prevent them from offering rewards for the arrest and conviction of fugitives from justice when in their opinion it is considered necessary. The books

Books, etc.,  
subject to  
inspection.

and accounts kept by said board shall at all times be subject to the inspection of the mayor and controller, or either of them; and the common council may at any time require information respecting the same, the disclosure of which will not repair [impair] the usefulness and efficiency of the force.

Enforce-  
ment of city  
ordinances.

Sec. 25. The board of police shall at all times cause the ordinances of the city to be properly enforced; and it shall be the duty of said board, at all times, whenever consistent with the rules and regulations of the board, and with the requirements of this act, to furnish all information desired, and comply with all the requests made by the common council of said city, or by the mayor thereof; to quell riots, suppress insurrections, protect the property, and preserve the public tranquillity. The board of police shall have the power to issue



subpoenas, tested in the name of its president, to compel before it the attendance of witnesses before any proceeding authorized by its rules and regulations. Each commissioner of police, the superintendent of police, and the secretary of the board of police are hereby given power to administer, take, receive, and subscribe all affirmations and oaths to any witnesses summoned and appearing in any matter or proceeding authorized as aforesaid, or to any depositions necessary by the rules and regulations of the board. Any willful and corrupt false swearing by any witness or person making deposition before any of the officers last mentioned, to any material fact, in any necessary proceedings under said rules and regulations, shall be deemed perjury, and punished in the manner now prescribed by law for such offense. The provisions of law now existing in respect to attachment of witnesses before justices of the peace, and to the compulsory attendance of the said witnesses, to appear and testify before them, are hereby applied to the case of witnesses subpoenaed before the board of police.

Board may  
issue sub-  
poenas.

Administra-  
tion of oaths

Perjury  
declared.

Attendance  
of witnesses.

Sec. 26. The board of police shall require and make suitable provisions concerning security to be entered into by the superintendent, the captains of police, the property clerk, and treasurer; and said board may, in their discretion, require security from any member of the force, conditioned for the performance of any duty involving the care and disposition of property. Said board shall require each member of the force to take an oath of office, and the registry of the certificate thereof in a book to be kept for the purpose, which oath may be taken before any one of the commissioners, who is hereby empowered to administer the same.

Security of  
certain offi-  
cers.

Oaths of  
office.

Sec. 27. The superintendent of police shall make to the board quarterly reports, in writing, of the state of the police force, with such statistics and suggestions as he may deem advisable for the enforcement of the police government and discipline. The board of police shall, on or before the first

Superin-  
tendent to  
make quar-  
terly reports

**Board to re-** Monday in April in each year, report in writing the condition  
**port to com-** of the police within the said city to the common council.

**Police ex-** Sec. 28. No person holding office under this act shall be  
**emptions.** liable to jury duty, or to arrest on civil process while actually on duty.

**Personal** Sec. 29. It shall be a misdemeanor, punishable by imprison-  
**violence on** ment in the county jail not more than two years, for any  
**elector at** person, without justifiable or excusable cause, to use personal  
**election** violence upon any elector in said city of Detroit, while attend-  
**polls, etc.** ing the polls upon any election day, or upon any member of the police force thereof, when in the discharge of his duty; or for any person, not a member of the police force, to falsely represent himself as being such member, with a fraudulent design.

**Removal** Sec. 30. Either of said commissioners of police may at any  
**of commis-** time be removed by the Governor, under the provisions of  
**sioners of** statutes relating to the removal from office of sheriffs, which  
**police.** provisions are hereby extended so as to relate to each one of the said commissioners; and in all cases where charges are made out against a commissioner, he shall have an opportunity to present evidence in his behalf.

**Idem.** Sec. 31. Any one of the said commissioners, or any member of the police force, who shall during his term of office, accept or hold any office elective by the people, or who shall, during his term of office, be publicly nominated for any office elective by the people, and shall not, within ten days succeeding the same, publicly decline the said nomination, shall be, in either case, deemed thereby to have resigned his commission, and to have vacated his office.

**Common** Sec. 32. The common council of Detroit are hereby empow-  
**council to** ered and directed annually to order and cause to be collected  
**raise by tax** and raised by tax upon the estates, real and personal, subject  
**funds for** to taxation according to law, within the said city of Detroit,  
**support of** the sums of money as aforesaid annually estimated for the  
**police.**

said total expense of the metropolitan police, authorized by this act.

Sec. 33. In case at any time, or for any cause, the services of a deputy superintendent shall be required, the senior captain of police is hereby authorized to act in that behalf, so long as necessary, and the place of said captain shall be filled, for the time being, by any appointee of the board from the sergeants of police.

Deputy superintendent.

Sec. 34. No policeman or officer of police shall, while on duty, be at liberty to enter any drinking or gaming saloon, or other place where liquors are sold to be drunk on the premises, or house of prostitution, except for the purpose of discharging some of the duties of his office.

Policemen forbidden to enter saloon, etc.

Sec. 35. The members of the metropolitan police force shall have the exclusive power, and it shall be their duty, to serve all process within the city of Detroit, issuing from the recorder's court, police court, and from justices of the peace in criminal cases, within said city, whether directed to constables, the sheriff, or otherwise, and shall be detailed by the proper officers to attend, instead of deputy sheriffs or constables, all courts of criminal jurisdiction of said city. All the duties now performed by deputy sheriffs in serving writs, executing orders of said court, attending said court, conveying prisoners to and from the county jail for arraignment or trial before said court, and in conveying prisoners to the Detroit House of Correction, the reform school, county jail, State Prison, or other place of punishment and imprisonment, under the judgment, sentence, order, or process of said court, shall be performed by the members of said police force; and in no case shall deputy sheriffs, or any constable of said city, receive or be paid by the county or State any fee or compensation for services directed in this section, or in any part of this act, to be performed by the members of said force. The actual expenses of travel and of performing duties under this section shall be paid by the

Police to serve all criminal process and attend criminal courts, etc.

county of Wayne. upon bills allowed by said board of police and endorsed by the president and secretary thereof.

Offices of  
city mar-  
shal, etc.,  
abolished.

Sec. 36. The offices of city marshal and assistant marshal of the city of Detroit is hereby abolished, and the duties of said office shall hereafter be performed by the superintendent of police, or by the captains and sergeants of police, under his directions, in accordance with the provisions of this act; but this section shall not be operative until the superintendent of police, or captain of police, authorized by this act to be appointed, shall be sworn into office.

Bail of per-  
sons com-  
mitted to  
House of  
Correction.

Sec. 37. No person committed to the House of Correction for want of bail shall be discharged therefrom on bail, until the order of discharge by the magistrate or court who committed said person, or by the judge of some circuit court, or the recorder of said city (all of whom are authorized to approve of and take such bail), together with the original recognizance approved by such magistrate, court, judge, or recorder, shall have first been delivered to the superintendent of the House of Correction; and said superintendent is hereby directed in every case to transmit said recognizance to the superintendent of police, who shall, whenever the said recognizance is forfeited by the principal therein named, deliver the same to the attorney of the board of police for prosecution; and said attorney shall forthwith proceed to collect the same by applying to the recorder's court of said city for an order upon the sureties in said bond, to show cause why said recognizance shall not be forfeited and judgment entered for the amount of penalty therein mentioned against them, on a day in said order set forth. Said order shall be served personally upon said sureties, if they can be found in said city, and if they cannot be found, by leaving a copy at their last place of abode, at least four days before the day therein set forth, and shall be granted only upon the filing with said court of an affidavit or affidavits, showing to the satisfaction of said court that the principal named in said recognizance has, during the

Prosecution  
of forfeited  
bail.

time for which such recognizance is conditioned for his or her good behavior, been found guilty by a competent court of being a disorderly person, of any crime or misdemeanor, or that he or she has been and is a disorderly person, at any time within the life of said recognizance, and since his or her discharge from said House of Correction. And the said sureties, or either of them, upon the service on them, or either of them, of said order and affidavit, or affidavits, shall come into court upon the day in said order named, and show cause by affidavit, or otherwise, as the court may direct, why judgment shall not be entered against them, or either of them, on said recognizance; and if they, or either of them, after service of said order, fail to appear, or do not show sufficient cause, said court shall enter judgment against both, all, or either of them, upon their said recognizance, and shall issue execution thereon, and collect the same in the same manner as in cases of judgments on forfeited recognizances in said court. All moneys collected on such executions shall be paid by the officer collecting the same, or by the person or persons against whom the judgment was rendered, to the clerk of said court, who shall, within three days after receiving the same, pay it to the officer empowered by law to receive it.

Moneys recovered for same.

Sec. 38. Sections one, two, three, four, five, six, seven, eight, and nine, of chapter thirteen, of an act entitled "An act to revise the charter of the city of Detroit," approved February fifth, one thousand eight hundred and fifty-seven, which chapter was added by "An act to amend an act entitled an act to revise the charter of the city of Detroit, approved February fifth, one thousand eight hundred and fifty-seven," approved March twelfth, one thousand eight hundred and sixty-one; also sections one, two, and three of an act entitled "An act to amend an act entitled an act to revise the charter of the city of Detroit, approved February fifth, one thousand eight hundred and fifty-seven," and approved February fourth, one thousand eight hundred and sixty-four, and all acts and parts

Sections of charter repealed.

of acts inconsistent with the provisions of this act, are hereby repealed, such repeal, however, to take effect and become operative only when the board of police appointed by this act shall be duly organized, and a police force shall be appointed by said board and sworn into office. The president of the board of metropolitan police shall notify the city marshal and assistant marshal, in writing, and publish a notice in two daily papers published in Detroit, stating the fact and time the organization of the said police force, for the purpose of fixing the time when sections thirty-five and thirty-six, and this section, shall become operative.

Board to  
give notice  
of organiza-  
tion.

"Disorderly  
conduct"  
defined.

Sec. 39. Any person who has no trade or occupation at which he actually labors, and has no visible means of support, who frequents places for the retailing of spirituous liquors, and any person who frequents houses of ill-fame, or places where gaming for money is carried on, and any person in whose possession burglars' tools shall be found, for the possession of which he or she cannot account satisfactorily, and any person who, having been convicted and imprisoned for any offense, neglects for the period of ten days to engage in some lawful business or occupation, shall be deemed a disorderly person, and shall be complained against, examined, and dealt with as is provided by the statutes of this State for disorderly persons. And it shall be the duty of the members of the police force to seize all burglars' tools, wherever found, and if the owner thereof can be discovered, to complain of him under this section, and if he is found guilty under such complaint, the superintendent or some captain of police shall destroy or mutilate such tools so that they cannot be used for burglarious purposes again, and if the said owner is not convicted said tools shall be returned to him. If the owner of said tools shall not be found within ten days after they are seized, the superintendent or some other member of said force shall take the same to the police justice and make oath before him of the time when and place where said tools were found; and if the said police jus-

Proceedings  
in regard to  
burglars'  
tools.

tice shall find that said tools are burglars' tools he shall order the same to be destroyed by the superintendent or some captain of the police; and if the said police justice, upon the examination of any person upon complaint under this section, shall decide that any of the tools are not burglarious, such tools shall be returned to the owner, or if upon tools being brought before him, the owner of which cannot be discovered, he shall decide that all or part of them are not burglarious, then such as he decides are not burglarious shall be left and disposed of in the same manner as is provided for property found by the police.

Sec. 40. Whenever the police justice of said city shall find, upon examination before him, that an offense not cognizable by him has been committed, and that there is probable cause to believe the person charged is guilty thereof, if the offense is bailable, said justice shall bind the said person with sufficient sureties to appear before the recorder's court; and in default of the said person entering into a recognizance for his appearance at said court, as ordered by said justice, said justice shall commit him or her to the county jail for trial; and the person so committed may, during the time he or she is confined in said jail awaiting trial, appear before said justice and give bail for his or her appearance at the recorder's court, and no other court, magistrate, or officer shall, under any circumstances, admit said person to bail, except judges of the supreme and circuit courts, or the recorder of said city. If said person is brought by writ of *habeas corpus* before a circuit court commissioner, said commissioner, upon return being made to him on said writ, that said person is imprisoned by virtue of being committed for trial by said police justice, shall not admit said person to bail, nor proceed to further hear the case under the writ, except to receive evidence sustaining or denying the truth of the return. In no case shall said police justice, or any judge, court, magistrate, or officer authorized to take bail for the appearance of any person charged with crime

Cases brought before police justice not cognizable by him.

Bail sureties

in said city, receive as surety for said person any person who is a party to a recognizance for the appearance of a person charged with crime, and which recognizance has been forfeited and is unpaid, or upon which recognizance judgment has been rendered but is unpaid and unsatisfied. Every judge, court, magistrate, and officer, and the said police justice, shall, before receiving and accepting any person as surety under this section, require said person to swear that he is not a party to any forfeited and unpaid recognizance, nor a party to any unsatisfied judgment rendered upon any recognizance for the appearance of any person charged with or convicted of crime or misdemeanor.

Bail for appearance on adjourned day.

Sec. 41. In all cases of trial or examination of any defendant before the police court of the city of Detroit, if any adjournment of any such trial or examination shall be had, and in all cases of the postponement of the examination of any party under arrest before said court, it shall not be competent for any other officer than the police justice or the person acting as such to take bail for the appearance of the accused at the said adjourned day.

Sec. 42. This act shall take immediate effect.

Approved April 17, 1871.

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[ No. 480. ]

AN ACT for laying out a State road in the counties of Clare and Roscommon.

Line of road. SECTION 1. *The People of the State of Michigan enact*, That a State road shall be laid out and established, to be called the Clare and Roscommon State road, commencing at Clare village, in the county of Clare, at or near the southwest corner of section thirty-five, in town seventeen north, of range four west, running thence north and easterly on the most eligible



line to the bridge over the Tobacco river, one mile west of the east line of said township; thence northerly to the northeast corner of said township; thence northerly as near as practicable on the dividing line between ranges three and four, intersecting the Midland and Houghton Lake State road at the most convenient point north of Clare county.

Sec. 2. All non-resident highway taxes assessed and unex- Non-resi-  
dent high-  
way tax ap-  
propriated.  
pended for the year eighteen hundred and seventy, and here-  
after to be assessed for the term of three years thereafter, on  
the lands below described, to wit: sections one, two, eleven,  
twelve, thirteen, fourteen, twenty-three, twenty-four, twenty-  
five, twenty-six, thirty-five, and thirty-six, in town seventeen  
north, of range four west; and a strip of land two miles wide  
on each side of the dividing line between ranges three and  
four, and extending from the south line of township eighteen  
north, to Houghton lake, be and the same are hereby appro-  
priated for laying out, constructing, and improving said road.

Sec. 3. For the purpose of laying out and expending the Commis-  
sioner to be  
appointed.  
moneys hereby appropriated for constructing and improving  
said road, a commissioner shall be appointed by the Governor  
of the State, who shall be a citizen of Clare or Roscommon  
county, and whose duty it shall be to receive and expend all  
moneys appropriated by this act as aforesaid; and if any com- Removal of  
same.  
missioner so appointed shall fail to perform or neglect the  
proper discharge of his duties, the Governor shall have power,  
and it shall be his duty, to remove him and appoint another  
in his stead.

Sec. 4. The said commissioner, before entering on the duties Commis-  
sioner to ex-  
ecute bond,  
etc.  
of his office, shall take and subscribe the constitutional oath  
of office, and shall execute a bond to the people of the State  
of Michigan, in the penal sum of two thousand dollars, with  
surety, to be approved by the treasurer of the county of Clare,  
conditioned that said commissioner will faithfully discharge  
the duties of said office and expend all moneys received by  
him for the benefit of said road as directed by this act, which

Compensation of commissioner. oath and bond shall be filed with the treasurer of the county of Clare. He shall receive for his services while in the discharge of his official duties as commissioner, two dollars per day, which shall be audited by the board of supervisors of the county of Clare and paid out of the fund created by this act.

To locate road and file survey for record.

Sec. 5. It shall be the duty of said commissioner to lay out and establish said road, and cause a description thereof to be filed with each of the township clerks of the townships through which said road shall pass, whose duty it shall be to record the same; and such record, or a certified copy thereof, shall be *prima facie* evidence of the existence of said road.

Damages.

Sec. 6. In all cases when damages may be claimed by reason of the laying out and establishing said road, the same proceeding shall be had thereon as may be required by law for the assessment of damages in case of roads laid out by highway commissioners.

Description of road to be filed with supervisors.

Sec. 7. It shall be the duty of said commissioner to make out and file with the supervisors of the several townships through which said road runs, or to which the above-described townships may be attached, a full description of the route and survey of said road as surveyed and established by him, including also a statement of the territory, the taxes of which are appropriated to said road as above stated; and the supervisors of the said several organized townships are hereby authorized and required that in making out their statement of taxes to the township treasurer they shall state the amount of non-resident highway tax belonging to said road as provided by this act; and any overseer of highways within any township through which said road may run, or any township treasurer thereof, who shall receive any portion of said non-resident highway tax for the period above mentioned, shall pay the same over to the county treasurer of his proper county, to be held by him, and paid over on demand of said commissioner, who shall receive and expend the same as above provided.

Officers to pay highway tax to commissioner.

Sec. 8. It shall be the duty of said commissioner to render <sup>Commissioner to report to supervisors.</sup> to the board of supervisors of each county through which said road passes, at their annual meeting in each year, a statement of the application and disbursement of all moneys that may have come into his hands for constructing said road.

Sec. 9. This act shall take immediate effect.

Approved April 17, 1871.

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[ No. 481. ]

AN ACT to provide for laying out and establishing a State road in the counties of Ontonagon and Houghton.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Commissioner to be appointed.</sup> there shall be laid out and established by a commissioner appointed by the Governor, a State road, commencing at the <sup>Line of road.</sup> village of Rockland, in the county of Ontonagon, and running thence to L'Ance, in the county of Houghton, to be known as the Houghton and L'Ance State road.

Sec. 2. Said road shall be laid out and constructed under <sup>Provisions of law for laying out, etc.</sup> the provisions of act number one hundred and seventeen, of the session laws of eighteen hundred and fifty-nine, approved February twelve, eighteen hundred and fifty-nine, and the act supplemental thereto or amendatory thereof.

Sec. 3. To secure the construction of said road, there is <sup>Swamp land appropriated.</sup> hereby appropriated three sections of State swamp lands per mile of said State road; said lands to be selected from any of the State swamp lands in the Upper Peninsula not otherwise reserved or appropriated.

Sec. 4. This act shall take immediate effect.

Approved April 17, 1871.

[No. 482.]

AN ACT to provide for laying out and constructing a State ditch or drain in the counties of St. Clair and Sanilac, and making an appropriation of State swamp lands to aid in the construction of the same.

Commissioners appointed.

SECTION 1. *The People of the State of Michigan enact, That* John Grinnel, of the county of St. Clair, and John H. Backet, of Sanilac county, are hereby appointed special commissioners, whose duties it shall be to lay out and superintend the construction of a drain or ditch in the counties of St. Clair and Sanilac, described as follows: To commence near the northwest corner of the county of St. Clair, and running thence in an easterly direction in the counties of St. Clair and Sanilac, on the most feasible line or route, nine miles, or thereabouts, to intersect the north branch of Mill creek at or near the center of section No. thirty-three, in the township of Speaker, in the county of Sanilac. The said commissioners are hereby authorized to locate said drain or ditch on the most feasible line or route, and to spend the appropriation provided for in this act in constructing said drain or ditch of such length, depth, and width as shall best drain said swamp through which said drain or ditch shall be constructed.

Line of ditch.

Location and construction of same.

Swamp land appropriated.

Sec. 2. To secure the construction of said drain or ditch there is hereby appropriated eight sections of State swamp land, of six hundred and forty acres each, to be selected from the State swamp land in the Lower Peninsula, said drain or ditch to be laid out and constructed under the provisions of acts number one hundred and seventeen, of the session laws of eighteen hundred and fifty-nine, and the acts amendatory thereto.

State not liable for construction of ditch.

Sec. 3. The State of Michigan shall not be liable to any person on account of the construction of said drain or ditch, or on account of any deficiency of State swamp land to pay said appropriation.

Approved April 17, 1871.

[ No. 483. ]

AN ACT to lay out and establish a swamp land State road from Seuil-Choix harbor, section fifteen, town forty-one north, range thirteen west, on the most eligible route to Grand Island harbor, section nineteen, town forty-seven north, range nineteen west, and appropriating swamp lands for the construction of the same.

SECTION 1. *The People of the State of Michigan enact*, That <sup>Commissioners appointed.</sup> David Sang, A. T. Wadsworth, and Samuel K. Northam be and they are hereby appointed commissioners to lay out and establish and improve a State road from Seuil-Choix harbor, from <sup>Line of road.</sup> section fifteen, town forty-one north, range thirteen west, north-westerly on the most eligible route to Grand Island harbor, section nineteen, town forty-seven north, range nineteen west; said road to be laid out and constructed under the provisions of an act entitled "An act to provide for the drainage and reclamation of swamp lands by means of State roads and ditches," number one hundred and seventeen, of the laws of eighteen hundred and fifty-nine, and the acts amendatory thereto, to be known as the Seuil-Choix and Grand Island bay <sup>Provisions of law for construction</sup> State road.

Sec. 2. To secure the construction of said road, there is <sup>Swamp land appropriated.</sup> hereby appropriated two sections of State swamp land per mile of said road, the same to be expended for the construction of said road, under the provisions of said act and acts amendatory thereto: *Provided*, That the lands hereby appropriated shall <sup>Proviso.</sup> be selected and taken from the swamp lands in the Upper Peninsula.

Sec. 3. This act shall take immediate effect.

Approved April 17, 1871.

[ No. 484. ]

AN ACT to lay out and establish a State road in the counties of Schoolcraft and Marquette, to be known as the "Saut Ste. Marie and Grand Island State road extension," and to provide for the construction of the same.

Com-  
mis-  
sioners ap-  
pointed.

SECTION 1. *The People of the State of Michigan enact, That* William A. Cox, Robert A. White, and George Wagner be and they are hereby appointed commissioners to lay out and establish a State road, on the most direct and eligible route, com-

Line of road.

mencing at the furnace of the Schoolcraft Iron Company, at Munising, in Schoolcraft county, and from thence along and as near as practicable to the shore of Lake Superior, by way of the Bay Furnace Company's works (Onata), to Chocalay, in Marquette county; said road to be laid out and constructed under the provisions of an act entitled "An act to provide for the drainage and reclamation of swamp lands by means of State roads and ditches," number one hundred and seventeen, of the laws of eighteen hundred and fifty-nine, and the acts amendatory thereto, to be known as the "Saut Ste. Marie and Grand Island State road extension."

Provisions  
of law for  
construction

Swamp  
land appro-  
priated.

Sec. 2. To secure the construction of said road there is hereby appropriated two sections of swamp land to each mile of said road, to be used and disposed of in the construction of said road, according to the provisions of the act aforesaid and the acts amendatory thereof: *Provided, That* said lands hereby appropriated, shall be selected and taken from the State swamp lands in the Upper Peninsula.

Proviso.

Sec. 3. This act shall take immediate effect.

Approved April 17, 1871.

[No. 485.]

AN ACT to lay out and establish and improve a swamp land State road from Copper Harbor across the Mineral Range to the valley of the Mineral river, to the northwest quarter section thirty-five, town fifty-eight north, range twenty-nine west, on Bete de Gris, in the county of Keweenaw.

SECTION 1. *The People of the State of Michigan enact, That* <sup>Commissioner appointed.</sup> Jules Boire, of the township of Copper Harbor, county of Keweenaw, be and is hereby appointed a commissioner to lay out establish and improve a State road from the village of Copper Harbor, over the Mineral Range and the valley of the <sup>Line of road.</sup> Montreal river, southerly along the most feasible and direct route to the northwest quarter section thirty-five, town fifty-eight north, range twenty-nine west, on the shore of Bete de Gris, in said county, to be known as the Copper Harbor and Bete de Gris State road; said road to be laid out and constructed under the provisions of an act entitled "An act to <sup>Provisions of law for construction</sup> provide for the drainage and reclamation of swamp lands, by means of State roads and ditches," number one hundred and seventeen, of the laws of eighteen hundred and fifty-nine, and the acts amendatory thereto.

Sec. 2. To secure the construction of said road there is <sup>Swamp land appropriated.</sup> hereby appropriated two sections of swamp land to each mile of said road, to be used and disposed of in the construction of said road, according to the provisions of the aforesaid act and the acts amendatory thereof: *Provided, That* said lands <sup>Proviso.</sup> hereby appropriated shall be selected and taken from the State swamp lands in the Upper Peninsula.

Sec. 3. No deficiency of said swamp lands which may now <sup>Deficiency of swamp land.</sup> or hereafter exist, to meet any appropriation made by this act, shall be so construed as to create any lien or establish any claim against the State.

Sec. 4. This act shall take immediate effect.

Approved April 17, 1871.

[ No. 486. ]

AN ACT, a bill to legalize the tax and assessment rolls of the village of New Baltimore, for the years of our Lord one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, and to renew and continue in force the warrants attached to said tax and assessment rolls.

Tax-rolls  
legalized.

SECTION 1. *The People of the State of Michigan enact*, That the assessment and tax-rolls of the village of New Baltimore, in the State of Michigan, for the years of our Lord one thousand eight hundred and sixty-nine and one thousand eight hundred and seventy, are hereby made as legal and valid and of the same force and effect as though the assessor of said village had posted and caused to be published notices of the making and completion of said assessment roll, in the manner provided in section forty-two (42), of act number four hundred and three (403), of the session laws of eighteen hundred and sixty-seven, and as though said assessor had in all other respects fully complied with all the provisions of said section forty-two.

Idem.

Sec. 2. That said assessment and tax rolls be and the same are hereby made *prima facie* evidence of the legality and regularity of all the proceedings for the levying and assessing the taxes mentioned and set forth in said assessment and tax rolls, including all general, special, and other taxes assessed therein from the time of the valuation of the land and property to and including the time of delivering of said assessment and tax rolls to the marshal of said village for collection, in all courts or tribunals where the legality of said taxes or any part of them shall be brought in question either directly or collaterally.

Time for  
collection  
extended.

Sec. 3. The warrants attached to said assessments and tax rolls are hereby revived and continued in full force and effect, until the first day of July, in the year of our Lord one thousand eight hundred and seventy-one; and the marshal of said village is hereby authorized and it shall be his duty to proceed



and collect the taxes remaining unpaid upon said assessment and tax rolls before the first day of July, in the year of our Lord one thousand eight hundred and seventy-one, and make return thereof as provided in said act number four hundred and three (403), of session laws of eighteen hundred and sixty-seven, but said marshal shall pay over to the treasurer of said village all moneys heretofore collected on said assessment and tax rolls (which has not been previously paid over by him), and shall renew or give his official bond to the satisfaction of the common council of said village.

Renewal of  
marshal's  
bond.

Sec. 4. This act shall take immediate effect.

Approved April 17, 1871.

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[ No. 487. ]

AN ACT to confirm the action of the board of supervisors of the county of Houghton, in consenting to the building a bridge across Portage lake in said county.

SECTION 1. *The People of the State of Michigan enact*, The action of the board of supervisors of the county of Houghton, at a meeting thereof, held February fifteenth, in the year of our Lord one thousand eight hundred and seventy-one, permitting the Portage Lake Bridge Company, a corporation organized under and by virtue of the provisions of chapter fifty-five of the compiled laws, to build a bridge across Portage lake in said county, is hereby confirmed.

Action of  
supervisors  
confirmed.

Sec. 2. This act shall take immediate effect.

Approved April 17, 1871.

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[ No. 488. ]

AN ACT to provide for the laying out and establishing a State road in the county of Houghton.

Commissioner to be appointed.

SECTION 1. *The People of the State of Michigan enact, That* there shall be laid out and established, by a commissioner appointed by the Governor, a State road, commencing at the head of Keweenaw bay, thence along Keweenaw bay to the Methodist Mission, thence on the most feasible and direct route to some point on or near the head of Huron bay. Said road shall be known as the L'Anse and Huron bay State road.

Line of road.

Name of road.

Provisions of law for construction of same.

Sec. 2. Said road to be laid out and constructed under the provisions of act number one hundred and seventeen, of the session laws of eighteen hundred and fifty-nine, approved February twelfth, eighteen hundred and fifty-nine, and the acts amendatory thereto.

Swamp land appropriated.

Sec. 3. To secure the construction of said road there is hereby appropriated two sections of State swamp land to each mile of said road, and to be expended for the construction of said road, under the provisions of said act, and the acts amendatory thereto: *Provided*, That said lands hereby appropriated shall be selected and taken from the State swamp lands in the Upper Peninsula.

Proviso.

Sec. 4. This act shall take immediate effect.

Approved April 17, 1871.

[ No. 489. ]

AN ACT to lay out and establish a State road in the counties of Midland and Gladwin, and to appropriate certain non-resident highway taxes for the construction thereof.

Commissioner appointed.

SECTION 1. *The People of the State of Michigan enact, That* Wellington R. Burt be and he is hereby appointed commis-

sioner, with full power and authority to lay out and establish and improve a public road, four rods wide, commencing at Line of road. Coleman's Station, on the Flint and Pere Marquette railroad, in the county of Midland, and running thence northeasterly on the most eligible route to and intersecting the Midland, Houghton Lake and Traverse Bay State road at or near the southwest corner of section eleven, in town nineteen north, of range two west.

Sec. 2. The said commissioner is authorized and empowered to employ a surveyor and such assistants as may be necessary, Surveyor, etc., to be employed to locate road. and to locate, survey, and establish the line of said road, and when said line shall have been established, a full description Survey of route to be filed, etc. of the route and survey thereof shall be filed by such commissioner with the township clerk of the township of Gladwin and of the township of Grout, and also with the county clerk of the county of Midland.

Sec. 3. The non-resident highway taxes levied and assessed Non-resident highway taxes appropriated. upon the lands lying in townships seventeen and nineteen north, of range one and two west, and town eighteen north, of range one west, for the period of three years from and after the passage of this act, be and the same are hereby appropriated for the improvement of said road and the payment of the construction thereof, and of the necessary expenses in laying out and establishing the same. And also that the non-resident highway taxes heretofore appropriated by acts number four hundred and sixty-seven and four hundred and sixty-eight, of the laws of eighteen hundred and sixty-seven, accruing from territory lying east of the west line of range two west, and west of the meridian, except town eighteen north, of range two west, and which remained unexpended when the State roads named in said acts were discontinued, be and the same is hereby appropriated for the construction of the road by this act authorized, and it shall be the duty of said commissioner to expend all of said moneys for the purposes aforesaid, from time to time, as it shall be collected, and as he shall be able to

obtain the same, and to direct and determine the manner in which the same shall be done.

Moneys to be paid over to commissioner.

Sec. 4. It shall be and is hereby made the duty of the county treasurer of the county of Midland, and of any overseer of highways or township treasurer within said county who shall receive any of the non-resident highway taxes assessed within three years on any of the lands hereinbefore mentioned, and to pay out the same only to said commissioner, or upon his order, or of his successor, and whenever such demand shall be made or an order shall be presented.

Commissioner to account to supervisors.

Sec. 5. It shall be the duty of said commissioner to render to the board of supervisors of Midland county at their annual sessions in each year, and at such other times as the board may require, a full and true account of all moneys drawn by him to be applied on said road, the amount drawn from each officer, and the manner in which the same has been applied.

Commissioner to give bond.

Sec. 6. The said commissioner, before entering upon the duties of his office, shall take and subscribe the constitutional oath of office, and execute a bond to the people of this State in the penal sum of ten thousand dollars, with such sureties as the treasurer of Midland county shall approve, conditioned that such commissioner will faithfully discharge the duties of said office and expend all moneys received by him for the benefit of said road as described by this act, which bond and oath shall be filed with the treasurer of Midland county. He shall receive for his services while engaged in the discharge of his official duties, three dollars per day, which shall be audited by the board of supervisors of Midland county and paid out of the funds created by this act.

Compensation of commissioner.

To demand moneys of officers receiving same

Sec. 7. It shall be the duty of said commissioner or his successor to demand and receive from each and every officer or person, all non-resident highway taxes, or moneys by this act appropriated, which has heretofore or may hereafter come into the hands of such officer or person, and which has not been paid out by virtue of said acts number four hundred and

sixty-seven and four hundred and sixty-eight; and if not paid upon such demand or order, said commissioner, or his successor, may bring suits and recover therefor, in his own name, against such officer and his bondsmen, or either of them, with double costs and fees.

Sec. 8. The board of supervisors of said county may prosecute said commissioner and his sureties upon said bond for any default or breach thereof occurring in such county, and new suits may be from time to time brought as shall be necessary. The moneys so collected shall be appropriated to make the improvement authorized by this act. Prosecution  
for default  
of bond.

Sec. 9. If the said commissioner shall neglect or refuse to perform any of the duties of his office, or shall misapply any of the funds appropriated by this act, it shall be competent for the Governor, forthwith, to remove him from said office. Any vacancy in said office shall be filled by the Governor. Removal  
from office.

Sec. 10. This act shall take immediate effect.

Approved April 17, 1871.

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[No. 490.]

AN ACT to incorporate the public schools in the city of Battle Creek.

SECTION 1. *The People of the State of Michigan enact, That* all of the city of Battle Creek, and so much of the townships of Bedford and Battle Creek as are included in the following descriptions and boundaries, viz: All those lands situated in township one (1) south, of range eight (8) west, known and distinguished as the southeast quarter of section number thirty-five (35) and the south half of section number thirty-six (36); also all those lands situate in township two (2) south, of range eight (8) west, being the east one-half of section Corporate  
boundaries.

number two (2) and the northeast quarter of section number eleven (11), shall constitute a single school district, to be known and designated as the public schools of the city of Battle Creek; and such district shall have all the powers and privileges conferred upon school districts and union school districts by general law; and hereafter all schools organized therein in pursuance of this act, under the direction and regulation of the school board, shall be public and free to all children actual residents within the limits thereof, between the ages of five and twenty-one years, inclusive.

**Name.**  
**Powers and privileges.**  
**Schools.**  
**Officers of district.**  
**Officers of board.**

Sec. 2. The officers of said district shall consist of six trustees, whose term of office shall be three years, two of whom shall be elected at the annual meeting of the district, to be held on the first Monday of September in each year; and within ten days after this election, the trustees thus elected shall meet and elect from their own number a president, secretary, and treasurer, whose powers and duties shall be severally the same as those conferring upon and required of the moderator, director, and assessor of school districts in the State, except so far as the same are varied or modified by the provisions of this act, or other acts relating to said district.

**Officers of former district continued in office.**  
**Vacancies.**

The trustees and officers of the district heretofore known as "The graded and high school district of the city of Battle Creek," shall be and they are hereby constituted the trustees and officers of the public schools of the city of Battle Creek; and the moderator shall be the president, and the director the secretary, and the assessor the treasurer of said public schools; and said trustees so elected shall continue to hold their said offices for the same time and in the same manner as though this act had not been passed. Said board of trustees shall have power to fill any and all vacancies that may occur in their number, or in the officers appointed by them, until the next annual meeting of the district.

**Powers, etc., of board.**

Sec. 3. From and after the passage of this act, said board of trustees shall have all the powers and privileges conferred

upon district and union school district boards by general law, and all the powers and duties of the first board of school inspectors of the city of Battle Creek shall be transferred to said board of trustees, who shall be *ex officio* the board of school inspectors of said city of Battle Creek, and shall make their reports directly to the clerk of the county of Calhoun. Said board of trustees shall, before hiring any teachers, examine into his or her qualifications, and all teachers employed by said board shall be considered as legally qualified, without any further examination by, or certificate from, the county superintendent of schools. Examination of teachers.

Sec. 4. Said board of trustees shall provide all necessary appendages for the school-houses, to keep the same in good condition and repair, and shall keep an accurate account of all expenses incurred by them, and all claims for such expenses shall be audited by the said board of trustees, and paid by the treasurer, out of any money provided for that purpose, by the district, on the order of the secretary, countersigned by the president of said board. Said board shall present at each annual meeting of the district, a statement of all receipts, expenditures, and accounts, audited and allowed by them; and it shall be the duty of said board to estimate the amount necessary to be raised, in addition to other school funds, for the entire support of such school, including fuel and other incidental expenses, and previous to the second Monday in October, make a written report of the amount so determined, to the supervisor of said city, and the same shall be levied, collected, and returned, in the same manner as other taxes. Care, etc., of school-houses. Payment of expense. Annual report of board. Annual estimate of expenses. Supervisors to levy school tax.

Sec. 5. The treasurer of said district, within ten days after his election, and before he shall enter upon the duties of his office, shall give a bond to the district, in such sums and with such sureties as shall be approved by the president and secretary of said board, for the faithful discharge of the duties of said office, and to account for and pay over all moneys that shall come into his hands by virtue of such office; and he shall Treasurer to give bond

Same to col-  
lect moneys  
due district.

have power, by suit at law, under the direction of the district board, in the name of the public schools of the city of Battle Creek, to collect all moneys due said district from the several townships, or city collectors, or for the tuition of scholars who are not actual residents of said district, or that may be due said district in any other manner whatever. Said bond shall be filed with the secretary of said board.

Transfer  
of school  
property,  
etc.

Sec. 6. All lands, school-houses, and sites, together with the furniture, library, property, effects, and estate of the graded and high school of the city of Battle Creek, both real and personal, and all debts or demands due or owing to said district, are hereby transferred to, and declared the property of the public schools of the city of Battle Creek; and all bonds, debts, dues, obligations, and contracts of the said graded and high school of the city of Battle Creek shall be and they are hereby declared the debts, dues, and contracts for the public schools of the city of Battle Creek, and shall be binding on said public schools according to the respective terms and conditions thereof.

Voters to  
determine  
sites for  
school-  
houses.

Sec. 7. The qualified voters of said district shall have power, when lawfully assembled, to designate by a vote of two-thirds of those present, any number of sites for school-houses, and to change the same by a similar vote at any regular meeting:

Proviso.

*Provided*, That in case two-thirds cannot agree upon a site for such school-house, a majority of the voters present at such meeting shall have the power to instruct the school board to locate said site. The site of the several school buildings heretofore located, and now held by the graded and high school of the city of Battle Creek, shall be and they are hereby declared and deemed school-house sites for the public schools of the city of Battle Creek.

Suits may  
be brought  
by or against  
district.

Sec. 8. Suits may be brought by or against the public schools of the city of Battle Creek on all contracts, obligations, debts, bonds, or demands due and unpaid from or to said graded and high school of the city of Battle Creek, in



like manner as they might have been by or against said grade and high school of the city of Battle Creek if this act had not been passed.

Sec. 9. This act shall take immediate effect.

Approved April 17, 1871.

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[ No. 491. ]

AN ACT appropriating one section of State swamp land to each mile of the Green Bay and Bay De Noquet State road, in Menominee county, to secure the completion of the same.

SECTION 1. *The People of the State of Michigan enact*, That <sup>Swamp land appropriated.</sup> to secure the completion of the Green Bay and Bay De Noquet State road, there be and hereby is appropriated one section of State swamp land to each mile of said road in Menominee county, measuring from the court-house square, in the village of Menominee, to the Delta county line, subject to the direction and control of the State Swamp Land Road Commissioner, in pursuance of act number one hundred and seventeen, of the laws of eighteen hundred and fifty-nine, and the acts amendatory thereof: *Provided first*, That the lands hereby appropriated shall be selected and taken from the State swamp lands now in market in the county of Menominee: *And provided* <sup>Proviso.</sup> *second*, That no part of said appropriation shall be applied on any part of said road within five miles of the village of Escanaba, or within five miles of the village of Menominee: *And provided thirdly*, That said State road shall be completed <sup>Proviso.</sup> on or before October first, eighteen hundred and seventy-two.

Sec. 2. This act shall take immediate effect.

Approved April 17, 1871.

[ No. 492. ]

AN ACT to amend section one, of act number four hundred and twenty, session laws of eighteen hundred and sixty-seven, as amended by act four hundred and sixty-nine, of the session laws of eighteen hundred and sixty-nine, being an act entitled "An act to make an additional appropriation for the construction of the Midland City, Houghton lake and Grand Traverse bay road," approved April fifth, eighteen hundred and sixty-nine.

Section  
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one, of act number four hundred and twenty, of the session laws of eighteen hundred and sixty-seven, as amended by session laws of eighteen hundred and sixty-nine, act four hundred and sixty-nine, be amended so as to read as follows :

Swamp  
land appro-  
priated.

Sec. 1. That there be and hereby is appropriated an average of six hundred and forty acres of State swamp land to the mile, to aid in the construction of the Midland City, Houghton lake and Grand Traverse bay State road, in addition to the amount appropriated in the act providing for the construction of said road, approved March twentieth, eighteen hundred and sixty-three: *Provided*, That the lands hereby appropriated to said road east of Houghton lake shall be selected from the State swamp lands in the Lower Peninsula: *And provided further*, That the lands hereby appropriated on that part of said road west of said Houghton lake shall be selected from the State swamp lands in the Lower Peninsula: *And provided further*, That any person wishing to avail themselves of the benefits of this act, before making any new selections of land, shall release the same amount heretofore selected and reserved by them to apply on said road.

Proviso.

Proviso.

Proviso.

Sec. 2. This act shall take immediate effect.

Approved April 18, 1871.

[ No. 493. ]

**AN ACT** to provide for the drainage and reclamation of swamp lands lying in the counties of Charlevoix and Antrim, by means of straightening, deepening, and removing obstructions in the channel of Pine river.

**SECTION 1.** *The People of the State of Michigan enact, That* <sup>Commissioner to be appointed.</sup> there shall be appointed by the Governor a commissioner, whose duty it shall be to superintend the improvements contemplated by this act, by straightening, deepening, and removing obstructions to the channel of Pine river.

**Sec. 2.** Said improvements shall be conducted under the <sup>Provisions of law for said improvements.</sup> provisions of act number one hundred and seventeen, of session laws of eighteen hundred and fifty-nine, approved February twelfth, eighteen hundred and fifty-nine, and the acts amendatory thereto.

**Sec. 3.** To secure the improvements contemplated by this <sup>Swamp land appropriated.</sup> act there is hereby appropriated sixteen sections of swamp lands, to be selected only from the counties of Charlevoix and Antrim aforesaid: *Provided, That* no liability is created <sup>Proviso.</sup> against the State.

Approved April 18, 1871.

[ No. 494. ]

**AN ACT** to establish a board of public works in and for the city of Detroit.

**SECTION 1.** *The People of the State of Michigan enact, That* <sup>Board of public works.</sup> there shall be constituted for the city of Detroit a board of public works, composed of four persons, who shall be freeholders and qualified electors of said city, taken in equal numbers from the two political parties represented in the common council. The first board shall consist of Henry H. <sup>First board.</sup> LeRoy, William Purcell, Deodatus C. Whitwood, and Julius

**Bonds to be given by.** Stoll, and all subsequent boards and members thereof shall be appointed by the common council of said city. The members of said board shall give bonds in the sum of fifty thousand dollars each, with sureties to be approved by the common council of the city of Detroit.

**First meeting and organization of board.** Sec. 2. The said board shall, within one week after this act shall take effect, meet in the office of the city clerk of said city and take the oath of office prescribed for other city officers, and shall proceed by lot to determine their term of office respectively, one to serve for the term of two years, one for the term of four years, one for the term of six years, and one for the term of eight years.

**Vacancies.** Sec. 3. All vacancies in said board, whether by expiration of term of service or otherwise, shall be filled by the common council of said city by the vote of a majority of all the aldermen elect, and whenever such vacancy is filled, the person so elected shall be of the same political party as his predecessor; and no person shall be eligible to hold a seat in said board who is not a freeholder in said city and a qualified elector. All vacancies in said board, except by expiration of term of appointment, shall be promptly reported by said board to the common council of said city, specifying the length of the unexpired term in which the vacancy has occurred.

**Name and style of board.** Sec. 4. These and their successors in office shall be known by the name and style of "The board of public works of the city of Detroit," and by that name shall have power to contract, sue and be sued, to purchase, hold, and convey such personal and real estate as may be necessary to the convenience and needs of said city, to have a common seal, to alter and change the same at pleasure, to make by-laws and rules, and do all legal acts, which may be necessary and proper to carry into effect the intent and objects of this act.

**Powers, duties, property, etc., vested in board.** Sec. 5. The said board of public works is hereby endowed with the powers, functions, duties, and responsibilities, and vested with the property, books, records, papers, and effects

which have heretofore been exercised and enjoyed by the board of water commissioners of said city of Detroit, the board of sewer commissioners, the commissioners of "grades" and "plans" of the city, and shall also have charge and control of the erection and construction of engine-houses, city hall, and all other public buildings (except school-houses), public sewers, drains, water-works, hydrants, pipes, and reservoirs in said city; and it is hereby made the duty of the said several boards of commissioners herein referred to, to transfer to the board of public works of the city of Detroit, created by this act, all the books, papers, maps, records, moneys, assets, and property belonging to the said boards of commissioners, respectively; and the said board shall also have charge and control of the streets, parks, and public grounds of said city, and may, by printed rules and orders, regulate the use of the same, and provide for planting ornamental trees therein: *Pro-Provided*, That nothing herein shall be construed to authorize said board to devote any more of a public street to ornamental trees than such as is not required or used for road and sidewalk purposes.

Sec. 6. No bond or other evidence of indebtedness shall be issued by said board, and no liabilities incurred, except in the regular discharge of their duties, and which can be paid out of funds first provided by the common council of said city, or from the proceeds of the public property in charge of said board, or from the rates and assessments by this act authorized. It shall be legal for said board to issue and sell, in their own name, the bonds heretofore authorized to be sold by the said board of water commissioners: *Provided*, That the avails of the same shall be applied only upon water repairs and improvements within said city.

Sec. 7. The said board shall elect one of its members president thereof. The members of said board shall devote their entire time to the duties devolving upon them by virtue of this act; and each member of said board shall receive a salary

Issue of  
bonds, etc.,  
by board.

To elect  
president.

Salaries.

twenty-five hundred dollars per annum, said salaries to be paid as the salaries of other city officers are paid.

Officers to  
be employed  
by board.

Sec. 8. The said board shall have power to employ superintendents, clerks, collectors, assessors, engineers, surveyors, a secretary, and such other persons as may be necessary to enable them to perform their duties under this act, and to specify the duties of such persons so employed, and to fix their compensation; and the salaries or compensation of such employes as may be employed in the building, repairing, or engineering of sewers or drains, shall be paid from the sewer fund created by the common council of the city of Detroit.

Water  
works.

Sec. 9. The said board shall have power to construct reservoirs, jets, and fire-hydrants at such localities in said city as they deem expedient and necessary, and to lay pipes in and through all the alleys and streets of said city; and also to construct in such localities as they may deem expedient, not exceeding one in each block, hydrants for public use, and to keep the same in repair; and also, with the consent of the common council of said city, to construct fountains in the public squares, or such other public grounds of said city as they may deem expedient.

Water-rates.

Sec. 10. The said board shall, from time to time, cause to be assessed the water-rates to be paid by the owner or occupant of each house or other building having or using water, upon such basis as they shall deem equitable; and such water-rate shall become a continuing lien, until paid, upon such house or other building, and upon the lot or lots upon which such house or other building is situated: *Provided always*, That the property shall not be held for more than one quarter's water-rent for water used by a tenant, unless upon the written consent of the owner of the property for the further continuance of a supply; and the owner of property liable for a tenant shall be entitled to notice within twenty (20) days from the expiration of the quarter, if such owner has a regular place of business in the city of Detroit, and if he has not, a notice

Proviso.

through the postoffice, addressed to his residence, if known, shall be sufficient; and if he has no known residence, then such notice shall be published for at least two successive days in two of the daily newspapers published in said city; and said owner shall have ten days' time from date of such notice to pay said arrearages without additional cost or percentage. For the extension hereafter of water-pipes or mains, or the construction of other necessary and permanent improvements in reservoirs, fixtures, or machinery, the said board shall report to the common council in the month of February in each year, the amount of money necessary to make such improvements, specifying the same in detail, and the comptroller shall place the amount in his annual estimate. Such estimates shall be definitely acted upon by the common council in time to have the appropriations allowed, placed upon the general or other proper assessment rolls of the city, to be collected as other city taxes; and when collected to be subject to the order of said board: *Provided*, That the amount to be levied or assessed for any one year shall not exceed twenty-five thousand dollars.

Sec. 11. Said board shall have power to make and enforce all necessary by-laws, rules, and regulations not inconsistent with this act or the laws of the State, for the collection of said water-rates, either by the appointment of collectors to demand the same, requiring payment at the office, shutting off the water, or by suit at law before any court of competent jurisdiction, or by the sale of the lot or premises upon which such rates shall have become a lien: *Provided*, That such sale shall be conducted in the same manner, and shall have the same force, virtue, and effect, of sale of lots delinquent for city taxes: *And provided further*, That the attempt to collect said rates by any process above mentioned shall not in any way invalidate the lien upon said lot or premises.

Sec. 12. The said board shall cause to be kept an accurate record of all its proceedings, together with a list of all assess-

ments for water-rates, which shall be subject to inspection at all times, and shall give a receipt for water-rates, setting forth the amount paid, and when, the time paid for, the name of the street and number of lot or building where the water was used, and shall keep a record of such receipt.

Division of  
interests in-  
into depart-  
ments, etc.

To report  
to common  
council.

Estimates of  
expendi-  
tures to be  
submitted  
to electors.

Annual  
statement to  
embrace  
water sta-  
tistics.

Sec. 13. It shall be the duty of said board to classify or divide the various works or interests under their control into departments, as far as may be, and keep an accurate account of the costs and income of each branch, showing the amounts expended for original improvements or construction, and the amounts for repairs, superintendence and other expenditures, exhibiting the source of expenditures and income; and it shall be the duty of the said board to make a report to the common council of said city annually, which shall embrace the said expenditures and revenues of the different branches or departments of works under their control, and the said report shall also embrace a statement of the condition, progress, and operations of the works, also a statement of the funds and securities of said board, and all debts due and owing to and from said board, together with estimates of expenditures and revenues for the ensuing year, specifying the objects of expenditures, the sums desired for each, and the reasons for the same. Such estimates of expenditures shall be definitely acted upon by the common council in time to have the appropriations allowed at the public meeting of the citizens of said city, specified in section two of chapter five, of the act to revise the charter of the city of Detroit, approved February fifth, eighteen hundred and fifty-seven, and placed upon the general or other proper assessment rolls of the city, to be collected as other city taxes. In the annual statement, the water takers shall be made into classes, showing the rate at which each class pays per year, and also the rate paid by breweries, machine shops, bakeries, and manufactories, so that it may be clearly understood what revenue each class yields to the city; and in the account of expenditures a full and explicit statement shall be made, giv-



ing the name and amount received by each individual when employed by the year, and when employed by the day the entire number of days for the year, and the gross amount paid therefor; and each report shall show the entire capital invested in each department, which statement shall be certified by the members of said board, and verified by the oath of the officers thereof, and [shall] be entered on record by the clerk of said city, and published in such manner as the common council may direct. The surveyor of said board shall do all surveying necessary in the construction of sewers, establishment of grades and streets, and other work of the board; and all necessary expenses connected with the construction of sewers, establishment of grades and streets, shall be paid out of the proper funds for such department. All hydrants and repairs of the same, together with the extension of water pipes and their repair, which are exclusively for the supply of water for the fire department, shall be paid from the appropriate fund.

Report to be recorded by city clerk and published.

Expenses to be paid from appropriate fund.

Sec. 14. Whenever the receipts of said board, from water-rates or other sources, shall accumulate so that there shall be a surplus amounting to a sum of not less than five hundred dollars, not needed for the payment of the current expenses or the repair of said works, it shall be the duty of the board, together with the controller of said city, who shall be associated with them for that purpose, to invest the same in stocks of the State of Michigan, city of Detroit, or the United States. Such investment shall be made in the name of said board, and in such manner as to make the same available for the payment of interest and principal of the bonds issued for the construction of said water-works, as soon as may be. It shall be the duty of said board to pay the interest on such bonds, and as fast as such surplus fund will permit, also the principal, as the bonds become due, as funds for such purposes shall from time to time accumulate. The said board may, when they have funds for that purpose, purchase the bonds so issued, whether the same become due or not; and in case the said

Investment of surplus funds.

Payment of bonds.

board shall, at any time, not have funds on hand sufficient to meet any of the said bonds at the time when they shall become due, they shall have the right to issue new bonds for such amount and on such time as they shall deem expedient, in the place of bonds so becoming due, as aforesaid; the said old bonds to be canceled in the registry thereof, and the said bonds to be recorded in the office of said board and of the city controller.

Removal of  
members of  
board from  
office.

Sec. 15. Any member of said board may at any time be removed by a vote of two-thirds of the members elected to the common council of said city for sufficient cause, and the proceedings in that behalf shall be entered in their journal:

Proviso.

*Provided*, That the said common council shall previously cause a copy of the charges prepared against such member sought to be removed, and notice of the time and place of hearing the same, to be served on him ten days at least previous to the time so assigned, and opportunity be given him to make his defense.

Authority to  
make sur-  
veys and  
agree on  
damages to  
property.

Sec. 16. The said board, and, under their direction, their agents, employes, and workmen, are hereby authorized to enter upon any land or water for the purpose of making surveys, and to agree with the owner of any property which may be required for the purposes of this act, as to the amount of compensation to be paid to said owner.

When agree-  
ment cannot  
be made.

Sec. 17. In case of disagreement between the board and the owner of any property which may be required for the said purposes, or affected by any operation connected therewith, as to the amount of compensation to be paid to such owner, or in case any such owner shall be an infant, a married woman, or insane, or absent from this State, proceedings shall be had thereon as is provided in the charter of the city of Detroit for opening of streets through improved or unimproved real estate, as near as may be.

Payment of  
damages.

Sec. 18. Whenever such report shall have been confirmed by the recorder of the city of Detroit, the said board shall pay

to the said owner, or to such person or persons as the court may direct, the sum mentioned in said report, in full compensation for the property so required, or for the damage sustained, as the case may be, and thereupon the said board shall become seized in fee of such property so required, and shall be discharged from all claim by reason of any such damage. And in case of the refusal, by any owner or owners, person or persons, to receive such sums awarded to them, for property required, or damages sustained, then the said board shall deposit with the city treasurer the sum so awarded, subject to the draft of said owner or owners, person or persons; and thereupon the said board shall become seized in fee of such property, so required, and shall be discharged from all claim by reason of any such damage; and said city treasurer shall keep strict account of all sums so deposited, and shall pay out the same on the drafts of the owner or owners, person or persons, to the credit of whom such moneys may have been deposited.

Deposit of damages in case of refusal of owner to accept.

Sec. 19. If any person shall willfully do, or cause to be done any act whereby any work, materials, or property whatsoever, selected or used within the city of Detroit, or elsewhere, by the said board or by any person acting under their authority, for the purpose of procuring or keeping a supply of water, shall, in any manner, be injured, or shall willfully pollute any water, shall be deemed guilty of misdemeanor, and upon conviction shall be punished by fine, not less than fifty nor more than five hundred dollars, or by imprisonment in the House of Correction not less than thirty days nor more than three years, or by a fine and imprisonment, at the discretion of the court.

Penalty for damages to water or water works.

Sec. 20. If any person shall, without the authority of said board, as delegated through any of their agents, perforate or bore, or cause to be perforated or bored, any distributing pipe, or main, or log, or sewer, belonging to the works of said city, or make or cause to be made any connection or communication whatever with the said pipes, logs, or sewers, or dig up any

Idem.

street, sidewalk, or public place, every person so offending shall, for each offense, be subject to a fine in a sum not exceeding fifty dollars and costs of prosecution, to be recovered in the recorder's court of said city or other court of competent jurisdiction.

Board may extend water-works without city

Sec. 21. The said board, in their discretion, shall have the power to extend the distributing pipes, mains, and sewers, to establish grades, and to construct reservoirs, hydrants, jets, and sewers, without the limits of the city, adjacent thereto, and to regulate, protect, and control such portions of said works without the bounds of said city, in and after the same manner that they regulate, protect, and control said works within said bounds.

Members of board not to be interested in contracts, etc.

Sec. 22. No member of said board shall be interested, either directly or indirectly, in any contract entered into by them, with any other person; nor shall they be interested, either directly or indirectly, in the purchase of any material to be used or applied in and about the uses and purposes contemplated by this act.

Real and personal property of other boards vested in this board.

Sec. 23. All lands, lots, docks, buildings, machinery, pipes, logs, hydrants, and all fixtures whatever, purchased, designated or used for the present water works or board of sewer commissioners, etc., of the said city of Detroit, are hereby vested in said board of public works, who shall have full power to regulate, protect, and control the same.

Plats, etc., to be approved by board.

Sec. 24. No plat or plan of any grounds hereafter laid out into streets and lots in the city of Detroit shall be recorded or be of any validity, unless it shall be approved by said board of public works.

Board to control parks, etc.

Sec. 25. Said board of public works shall have the entire supervision and control of the public parks in the city of Detroit, and all moneys appropriated by the common council of said city for the improvement and repairs of parks shall be expended by said board of public works.

Sec. 26. The said board of public works is hereby invested with full power to make and enforce such by-laws, rules, and regulations as may be necessary to carry into effect the object and intent of this act. May make and enforce regulations.

Sec. 27. All moneys hereafter to be paid to any person or persons by said board of public works shall be certified by the president or acting president of the board to the secretary, who shall draw his warrant on the treasurer therefor, stating therein the fund to which it is chargeable, and the person to whom payable; and such warrant shall be countersigned by the president or, in his absence, by the acting president of the board of public works. The accounts of the board for all moneys received and paid out shall be examined by a committee appointed by the board on the first day (not a legal holiday) of July and January in each year, and a record kept of the same in the books of the board. The committee of ways and means of the common council shall have free access to the books and accounts of the board of public works at all times. Moneys to be paid only on warrant.  
Examination of accounts.  
Books to be open to committee of common council.

Sec. 28. The board of public works created by this act shall be liable for and shall pay and discharge all the debts, obligations, contracts, and liabilities of the board of water commissioners of the city of Detroit, the board of sewer commissioners, and the commissioners of grades and plans of said city, and suits may be brought and prosecuted thereon against said board of public works in law or equity, to the same effect as they could be brought and prosecuted against said former boards respectively, if this act had not been passed. Board liable for debts, contracts, etc., of former boards.

Sec. 29. All property, real, personal, or mixed, and rights of property in law and equity, and all debts, fines, penalties, forfeitures, rights, and causes of action, and all rights and powers not inconsistent with the provisions of this act, which belong, have inured, or may inure to the said several boards, as mentioned in section five, to wit: the board of water commissioners, the board of sewer commissioners, the commissioners of All rights in law and equity of former boards vested in this board.

grades and plans of said city of Detroit, whose duties and powers are by this act conferred upon and vested in said board of public works, shall be and are hereby declared to be fully vested in said board of public works in the city of Detroit, to be held subject to the provisions of this act; and all suits at law or in equity now pending in behalf of or in the name of either of the former boards, may continue to be prosecuted in such name and in such behalf, and the same shall not be abated, discontinued, or dismissed by reason of anything in this act contained; but the proceeds and benefits thereof shall inure to the benefit of the board created by this act, and all proper charges and liabilities incurred by reason thereof shall be paid by the board created by this act.

Improvement of streets to be under supervision of board.

Sec. 30. The paving and grading of all streets, alleys, or public places, ordered by the common council, shall be done under the supervision of the board of public works, and upon contracts and under specifications to be prepared by such board, and all moneys appropriated by the common council for such purposes shall be expended by the said board, and drawn from the appropriate fund provided by the common council therefor; and it shall be the duty of the city treasurer to pay the draft of said board so drawn. In the erection of public buildings, and paving of streets, and construction of sewers, the board shall advertise for proposals to execute the work according to plan and specifications, and the board may contract with the lowest responsible bidder: *Provided*, It shall be at their option to reject all proposals made.

Letting of contracts, etc.

Construction of sewers.

Sec. 31. All main and lateral sewers shall be determined upon and ordered by the board of public works, subject to the approval of a majority of all the members elect of the common council of said city. The board shall report to the common council annually, at the first meeting in February, what main sewers are proposed to be built the ensuing year, with the estimated cost of each, and the controller shall place the amount in his annual estimate. Such estimates shall

be definitely acted upon by the common council in time to have the appropriations allowed, placed upon the general or other proper assessment rolls of the city, to be collected as other city taxes, and when collected, to be subject to the order of said board.

Sec. 32. The board of public works shall prepare, as soon as <sup>Plan for unplatted portions of city.</sup> may be, a general plan of laying out into streets and alleys all the unplatted parts of the city of Detroit, and no private plan shall be allowed or permitted which does not conform thereto; and no plat shall hereafter be recorded or be of any validity, unless before such record the approval of said board shall be duly endorsed thereon.

Sec. 33. The said board of public works shall propose, <sup>Plans for sewerage.</sup> as soon as may be, a general plan of sewerage for the entire city of Detroit, and after the approval of such plan by said board, all public, private, and lateral sewers shall conform to such plan.

Sec. 34. When the common council shall decide upon <sup>Board to furnish estimates of paving, etc.</sup> paving any street, alley, park, or public ground in said city of Detroit, they shall, before ordering such pavement, procure from the said board of public works an estimate of the probable cost of such paving in detail, showing what amount of the assessment will be a charge upon the city treasury, and how much upon private individuals upon the street or alley, and also a statement showing whether the gas and water pipes, pools, and sewers are laid and completed in said street or alley.

Sec. 35. The said board shall have power, and it shall be <sup>Permits for use of sidewalks, etc., for building purposes.</sup> their duty, to grant permits for the use of the streets and sidewalks for building purposes, and may authorize the laying down of gas-pipes, and regulate their removal or repair, under such regulations, rules, and restrictions as they may adopt.

Sec. 36. All buildings ordered to be built by the city of <sup>Board to let contracts for buildings, etc., for city.</sup> Detroit, all engine-houses or buildings ordered to be built by the fire commissioners of the city of Detroit, and all station-houses or buildings ordered to be built by the board of metro-

politan police of the city of Detroit, shall be built by and under the supervision of the board of public works; and the fire commissioners and metropolitan police commissioners above mentioned, shall respectively furnish the plans and specifications for said buildings, and place them with the board of public works. Said board of public works shall advertise for proposals for all buildings to be built by them, and shall let the contracts to the lowest responsible bidder.

City liable  
on contracts  
made by  
board.

Sec. 37. The city of Detroit shall alone be liable on all contracts made by the board of public works, in accordance with the law and ordinances of said city.

City treas-  
urer treas-  
urer of  
board.

Sec. 38. The city treasurer of the city of Detroit shall be the treasurer of the board of public works, and shall deposit the funds under the control of said board in the same place as he deposits the other city moneys in his hands, and shall credit to such board the interest he may receive upon such deposits.

Contra-  
vening acts  
repealed.

Sec. 39. All acts and parts of acts contravening the provisions of this act are hereby repealed.

Office of  
city survey-  
or abolished.

Sec. 40. The office of city surveyor of the city of Detroit is hereby abolished, and the duties of said office shall hereafter be performed by one of the surveyors appointed by the said board of public works in accordance with the provisions of this act. But this section shall not be in operation until the first day of January, eighteen hundred and seventy-two.

Acceptance  
of other  
office or  
nomination  
by members  
of board, a  
vacation of  
office.

Sec. 41. Any one of the said board of said public works, who shall, during his term of office, accept or hold any office, elected by the people, or who shall, during his term of office, be publicly nominated for any office elected by the people, and shall not, within ten days succeeding the same, publicly decline the said nomination, shall be, in either case, deemed thereby to have resigned his position and to have vacated his office.

Street clean-  
ing and re-  
pairs.

Sec. 42. On and after the first day of January, in the year of our Lord one thousand eight hundred and seventy-two, the



board of public works shall have the entire charge and control of the street-cleaning, repairs of paving, and building of wooden crosswalks in the city of Detroit. They shall advertise in the month of January of each year, for proposals for cleaning the streets, repairing paved streets and crosswalks, and the building of wooden crosswalks for the term of one year. For this purpose they may receive proposals for the whole of the above mentioned work, or may receive proposals for doing the same by wards or districts, as they may determine; and they shall let the work to the lowest responsible bidder: *Provided*, That they may reject all the proposals made. The board of public works shall report to the common council of the city of Detroit, in the month of February of each year, an estimate of the sums required for street-cleaning, repairs of paved streets and crosswalks, and building of wooden crosswalks in each ward of the city of Detroit. Such estimates of expenditures shall be definitely acted upon by the common council in time to have the appropriations allowed and placed upon the proper assessment rolls of the city. The sum required for each ward shall be levied and assessed as the present ward road tax is assessed, in accordance with the charter and ordinances of the city of Detroit. The office of commissioner of highways in each ward of the city of Detroit, and street commissioner, is hereby abolished, and the duties of said office shall hereafter be performed by persons appointed by the said board of public works, in accordance with the provisions of this act, but this section shall not be operative until the first day of January, eighteen hundred and seventy-two.

Provided.

Estimates of expense of same to be made to council.

Same to be raised by tax.

Office of commissioner of highways abolished.

Sec. 43. This act shall take effect on the first Monday in August, in the year of our Lord one thousand eight hundred and seventy-one.

Approved April 18, 1871.



# AMENDMENTS TO THE CONSTITUTION.

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Adopted by the Regular Session of the Legislature of Eighteen Hundred and Sixty-nine and the Special Session of Eighteen Hundred and Seventy, and Ratified by the People November Eighth, Eighteen Hundred and Seventy.

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## ARTICLE IV.

### LEGISLATIVE DEPARTMENT.

SECTION 3. The House of Representatives shall consist of not less than sixty-four, nor more than one hundred members. Representatives shall be chosen for two years, and by single districts. Each representative district shall contain, as nearly as may be, an equal number of inhabitants, exclusive of persons of Indian descent, who are not civilized, or are members of any tribe, and shall consist of convenient and contiguous territory ; but no township or city shall be divided in the formation of a representative district. When any township or city shall contain a population which entitles it to more than one representative, then such township or city shall elect, by general ticket, the number of representatives to which it is entitled. Each county hereafter organized, with such territory as may be attached thereto, shall be entitled to a separate representative, when it has attained a population equal to a moiety of the ratio of representation. In every county entitled to more than one representative, the board of supervisors shall assemble at such time and place as the Legislature shall prescribe, and divide the same into representative districts, equal to the number of representatives to which such county is entitled by law, and

shall cause to be filed in the offices of the Secretary of State and clerk of such county, a description of such representative districts, specifying the number of each district and population thereof, according to the last preceding enumeration.

Sec. 4. The Legislature shall provide by law for an enumeration of the inhabitants in the year eighteen hundred and fifty-four, and every ten years thereafter; and at the first session after each enumeration so made, and also at the first session after each enumeration by the authority of the United States, the Legislature shall re-arrange the Senate districts, and apportion anew the representatives among the counties and districts, according to the number of inhabitants, exclusive of persons of Indian descent, who are not civilized, or are members of any tribe. Each apportionment, and the division into representative districts by any board of supervisors, shall remain unaltered until the return of another enumeration.

#### ARTICLE VII.

##### ELECTIONS.

SECTION 1. In all elections, every male citizen, every male inhabitant residing in the State on the twenty-fourth day of June, one thousand eight hundred and thirty-five; every male inhabitant residing in the State on the first day of January, one thousand eight hundred and fifty, who has declared his intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding an election, or who has resided in this State two years and six months, and declared his intention as aforesaid, and every civilized male inhabitant of Indian descent, a native of the United States, and, not a member of any tribe, shall be an elector and entitled to vote; but no citizen or inhabitant shall be an elector, or entitled to vote at any election, unless he shall be above the age of twenty-one years, and has resided in this State three months, and in the township or ward in which he offers to vote, ten days next preceding such election: *Provided*, That in time of war, insur-

rection, or rebellion, no qualified elector in the actual military service of the United States, or of this State, in the army or navy thereof, shall be deprived of his vote by reason of his absence from the township, ward, or State in which he resides; and the Legislature shall have the power, and shall provide the manner in which, and the time and place at which, such absent electors may vote, and for the canvass and return of their votes to the township or ward election district in which they respectively reside, or otherwise.

#### ARTICLE XVII.

##### MILITIA.

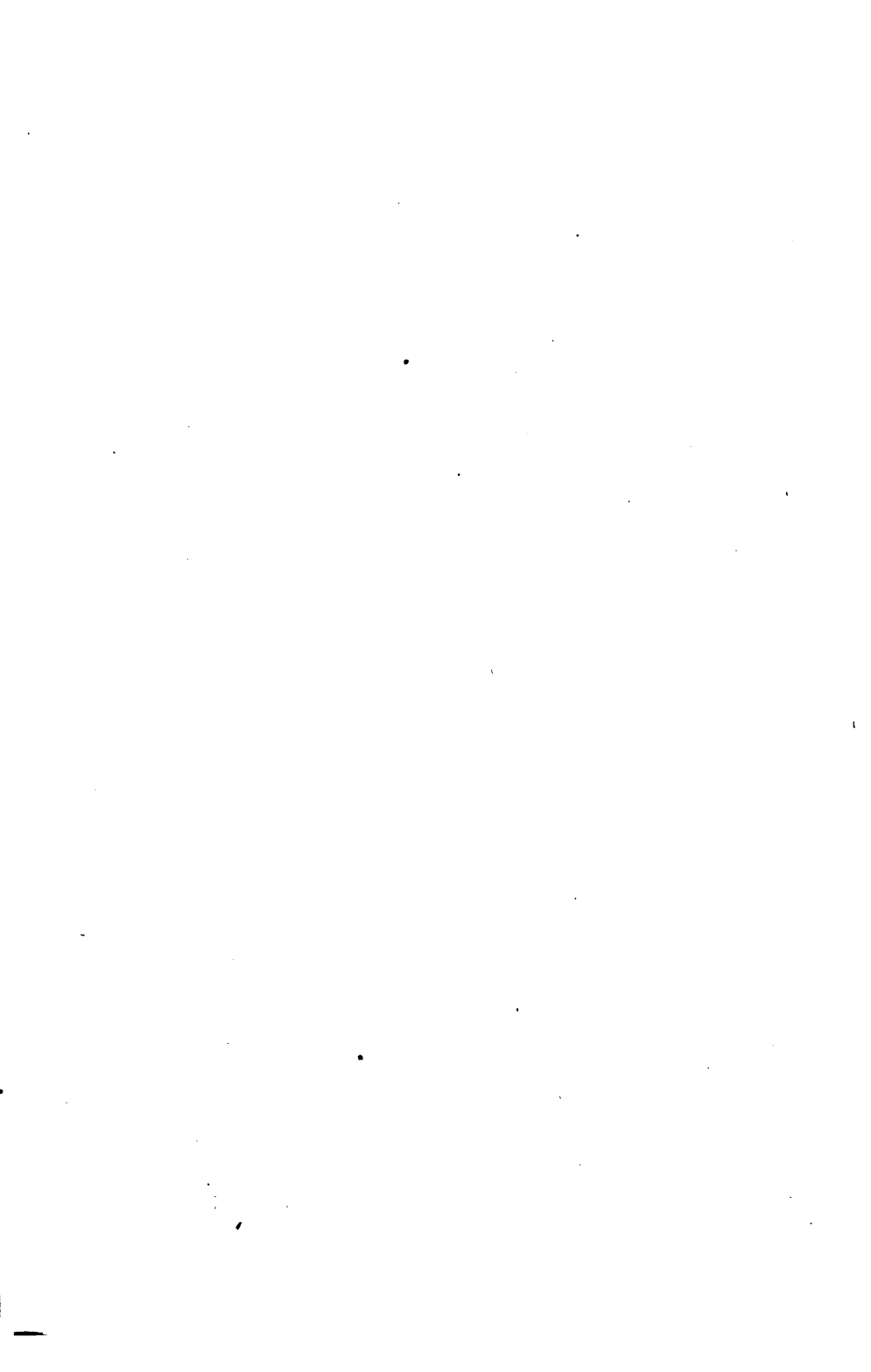
SECTION 1. The militia shall be composed of all able-bodied male citizens between the ages of eighteen and forty-five years, except such as are exempted by the laws of the United States, or of this State; but all such citizens, of any religious denomination whatever, who, from scruples of conscience, may be averse to bearing arms, shall be excused therefrom, upon such conditions as shall be prescribed by law.

#### ARTICLE XIX-A.

##### OF RAILROADS.

SECTION 1. The Legislature may, from time to time, pass laws establishing reasonable maximum rates of charges for the transportation of passengers and freight on different railroads in this State, and shall prohibit running contracts between such railroad companies whereby discrimination is made in favor of either of such companies as against other companies owning connecting or intersecting lines of railroad.

Sec. 2. No railroad corporation shall consolidate its stock, property, or franchises, with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given of at least sixty days to all stockholders, in such manner as shall be provided by law.



## CERTIFICATE.

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STATE DEPARTMENT, MICHIGAN, } ss.  
*Secretary's Office,*

I, DANIEL STRIKER, Secretary of State of the State of Michigan, do hereby certify that the date of the final adjournment of the regular session of the Legislature of this State, for the present year, was April eighteenth, one thousand eight hundred and seventy-one.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of  
[ L. S. ] Michigan, at Lansing, this thirty-first day of May, in the year of our Lord one thousand eight hundred and seventy-one.

DANIEL STRIKER,  
*Secretary of State.*

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**NOTE.**—The words and sentences enclosed in brackets in the foregoing laws and resolutions were in the engrossed copies, and passed by the Legislature, but not in the enrolled copies.

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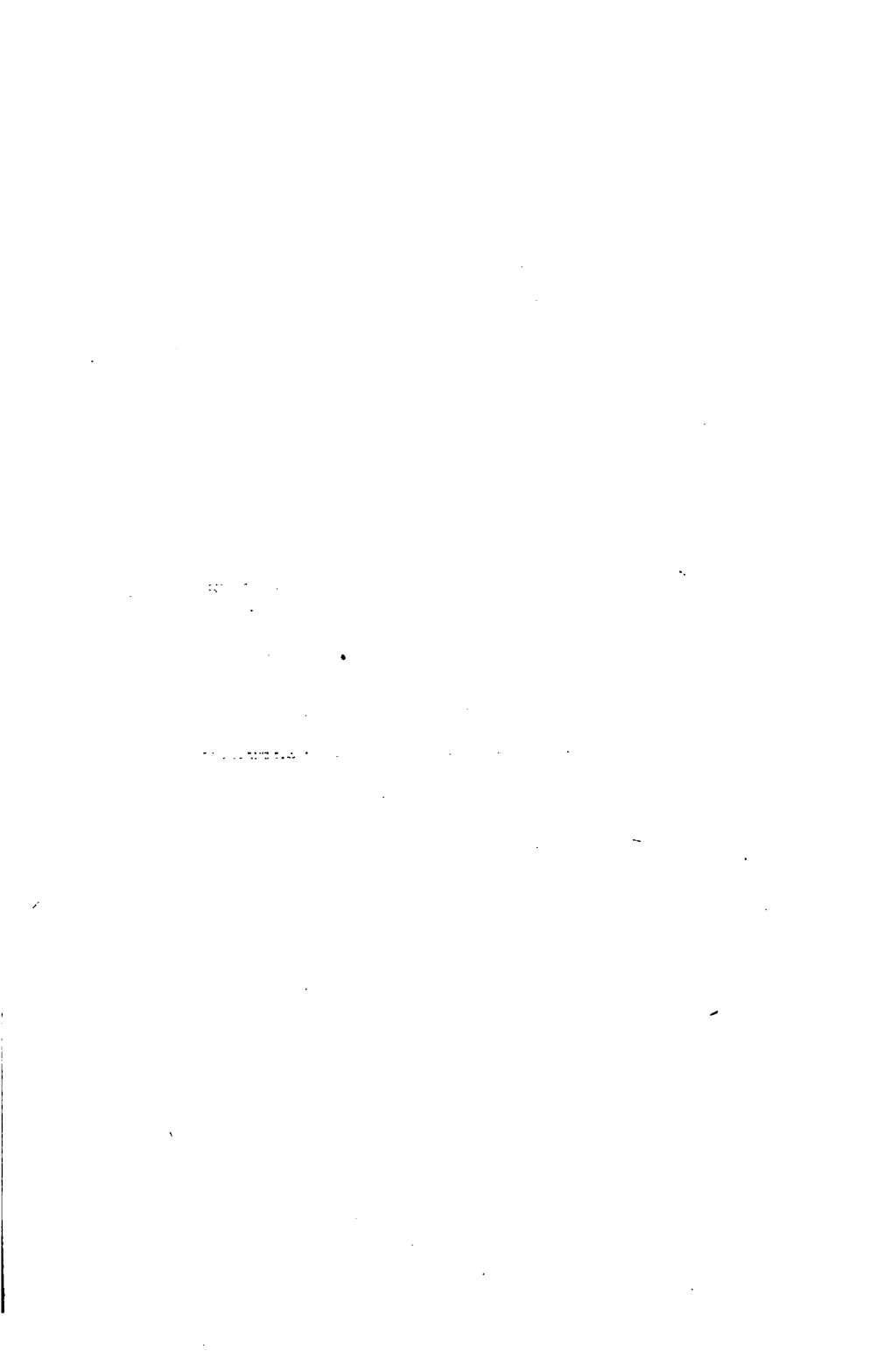
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